2011-2012

HOUSE RULES

MINUTES

NORTH CAROLINA GENERAL ASSEMBLY

House Committee on Rules
2011-2012 SESSION



Rep Stephen LaRoque
Chair



Rep Tim Moore
Chair



Rep Bill Owens
Vice Chair



Rep Martha Alexander



Rep John Blust



Rep Jim Crawford



Rep Leo Daughtry



Rep Bill Faison



Rep Jean Farmer-Butterfield



Rep Dale Folwell



Rep Mitch Gillespie



Rep Joe Hackney



Rep Dewey Hill



Rep Mark Hilton



Rep Maggie Jeffus



Rep Linda Johnson



Rep Paul Luebke



Rep Danny McComas



Rep Tim Moffitt



Rep Earline Parmon



Rep. Jason Saine



Rep Ruth Samuelson



Rep Paul Stam



Rep Mike Stone

HOUSE COMMITTEE ON RULES

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Rep. Stephen LaRoque, Chair	Lisa Kennedy	715-3017	635 LOB	9
Rep. Tim Moore, Chair	Nancy Garriss	733-4838	1326 LB	8
Rep. Bill Owens, Vice Chair	Linda A. Johnson	733-0010	611 LOB	21
Rep. Martha Alexander	Ann Faust	733-5807	1213 LB	34
Rep. John Blust	Betty Childress	733-5781	1109 LB	25
Rep. Jim Crawford	Linda Winstead	733-5824	1321 LB	24
Rep. Leo Daughtry	Margaret Dockery	733-5605	2207 LB	4
Rep. Bill Faison	Lavada Vitalis	715-3019	405 LOB	84
Rep. Jean Farmer-Butterfield	Sherrie Burnette	733-5898	631D LOB	94
Rep. Dale Folwell	Paige Fitzgerald	733-5787	301F LOB	99
Rep. Mitch Gillespie	Cindy Hobbs	733-5862	307B2 LOB	7
Rep. Joe Hackney	Emily Reynolds	733-3451	612 LOB	69
Rep. Dewey Hill	Gennie Thurlow	733-5830	1309 LB	22
Rep. Mark Hilton	Carol Wilson	733-5988	1227 LB	17
Rep. Maggie Jeffus	Barbara Hocutt	733-5191	1307 LB	10
Rep. Linda Johnson	Diane Wraight	733-5861	301D LOB	15
Rep. Paul Luebke	Joyce Harris	733-7663	513 LOB	33
Rep. Danny McComas	Judy Lowe	733-5786	506 LOB	6
Rep. Tim Moffitt	Melissa Carter	733-3012	1025 LB	85
Rep. Earline Parmon	Pat Christmas	733-5829	509 LOB	95
Rep. Jason Saine	Susan Beaupied	301-1446	1004B LB	19
Rep. Ruth Samuelson	Susan Phillips	715-3009	418B LOB	55
Rep. Paul Stam	Christin Danchi	733-2962	2301 LB	54
Rep. Mike Stone	Kathy Voss	715-3026	1008 LOB	97
Kory Goldsmith, Staff		733-2578	545 LOB	
Bill Patterson, Staff		733-2578	545 LOB	
Kelly Quick, Staff		733-2578	545 LOB	

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	02/01/2011	02/02/2011	02/16/2011	03/01/2011	03/08/2011	03/16/2011	3/12011 pm	3/30/2011	4/4/2011	4/5/2011	4/6/2011	4/6/2011 pm	4/11/2011	04/13/2011	04/20/2011
Rep. Stephen LaRoque Chair	x	x	x	X	x	x	x	x	X	x	x		x	x	
Rep. Tim Moore Chair	x	x	x	X	x	x	x		X	x	x	x	x	x	x
Rep. Bill Owens Vice Chair	x	x	x	X				x	X	x	x		x	x	x
Rep. Johnathan Rhyne Vice Chair	x	x	x		x	x	x		X		x			x	
Rep. Martha Alexander	x	x		X	x	x	x	x	X	x		x	x		
Rep. John Blust			x	X	x	x	x	x	X	x	x		x		x
Rep. Jim Crawford	x	x	x			x			X		x				
Rep. Leo Daughtry	x	x			x	x	x				x				X
Rep. Bill Faison	x	x	x	X	x	x	x	x	X	x	x		x	x	X
Rep. Jean Farmer- Butterfield	x	x	x	X		x	x	x	X	x	x			x	X
Rep. Dale Folwell	x	x	x			x								x	
Rep. Mitch Gillsepie			x			x	x						x	x	
Rep. Joe Hackney	x	x		X	x	x	x		X	x	x	x	x	x	X
Rep. Dewey Hill	x	x	x	X		x	x			x	x		x		
Rep. Mark Hilton		x	x		x	x	x	x	X		x	x	x		X
Rep. Maggie Jeffus	x	x	x	X	x	x	x			x					
Rep. Linda Johnson			x	X	x	x	x	x	X						X
Rep. Paul Luebke	x	x	x	X	x	x	x	x		x	x	x	x	x	X
Rep. Danny McComas	x	x	x				x				x		x	x	X
Rep. Tim Moffitt			x	X	x	x	x	x	X	x	x			x	X
Rep. Earline Parmon	x			X	x	x	x	x	X	x		x	x		X
Rep. Ruth Samuelson	x	x	x	X	x	x		x		x				x	
Rep. Paul Stam	x	x	x	X	x	x	x		X				x	x	
Rep. Mike Stone	x	x	x	X	x	x	x	x		x	x	x	x	x	X
Kory Goldsmith	x	x	x	X	x	x	x	x							X
Bill Patterson	x	x	x	X	x	x	x	x	X	x	x			x	X
Kelly Quick	x	x	x	X	x	x	x	x	X	x	x				X

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	5-25-2011	5-31-2011	6-2-2011	06-03-2011	06-07-2011	06-08-2011	6-14-2011	6-15-2011	6-16-2011	6-17-2011	6-17-2011	6-18-2011			
Rep. Stephen LaRoque Chair	X		X	X	X		X	X	X	X	X	X			
Rep. Tim Moore Chair	X	X	X	X	X	X	X		X	X	X	X			
Rep. Bill Owens Vice Chair	X	X	X	X	X		X	X		X					
Rep. Johnathan Rhyne Vice Chair	X			X		X		X	X						
Rep. Martha Alexander	X	X	X				X	X	X	X	X	X			
Rep. John Blust	X	X	X			X	X	X	X	X		X			
Rep. Jim Crawford	X							X				X			
Rep. Leo Daughtry	X		X	X		X	X			X					
Rep. Bill Faison		X	X			X	X	X	X						
Rep. Jean Farmer- Butterfield	X		X	X			X	X	X	X		X			
Rep. Dale Folwell	X						X								
Rep. Mitch Gillsepie	X	X		X		X	X								
Rep. Joe Hackney	X	X	X	X			X	X	X	X	x	X			
Rep. Dewey Hill	X	X	X	X		X	X		X						
Rep. Mark Hilton	X	X	X	X		X	X	X	X	X					
Rep. Maggie Jeffus	X	X	X	X		X	X	X	X		X	x			
Rep. Linda Johnson	X	X	X			X		X	X	X	X				
Rep. Paul Luebke	X	X	X	X		X	X	X	X	X		X			
Rep. Danny McComas	X			X		X	X								
Rep. Tim Moffitt	X		X	X	X	X	X	X	X	X		X			
Rep. Earline Parmon	X		X				X								
Rep. Ruth Samuelson	X		X	X		X	X		X	X					
Rep. Paul Stam	X		X	X			X		x	X		X			
Rep. Mike Stone	X	X	X	X	X	X	X	X	x	X		X			
Kory Goldsmith	X	X	X	X	X	X		X		X	X				
Bill Patterson			X	X	X	X	X	X	X	X	X				
Kelly Quick	X	X	X	X	X	X	X	X	X	x					

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	5-25-2011	5-31-2011	6-2-2011	06-03-2011	06-07-2011	06-08-2011	6-14-2011	6-15-2011	6-16-2011	6-17-2011	6-17-2011	6-18-2011	7-27-2011	7-28-20	
Rep. Stephen LaRoque Chair	X		X	X	X		X	X	X	X	X	X			
Rep. Tim Moore Chair	X	X	X	X	X	X	X		X	X	X	X	x	x	
Rep. Bill Owens Vice Chair	X	X	X	X	X		X	X		X			x	x	
Rep. Johnathan Rhyne Vice Chair	X			X		X		X	X					x	
Rep. Martha Alexander	X	X	X				X	X	X	X	X	X		x	
Rep. John Blust	X	X	X			X	X	X	X	X		X	x	x	
Rep. Jim Crawford	X							X				X			
Rep. Leo Daughtry	X		X	X		X	X			X			x		
Rep. Bill Faison		X	X			X	X	X	X						
Rep. Jean Farmer- Butterfield	X		X	X			X	X	X	X		X		x	
Rep. Dale Folwell	X						X						x	x	
Rep. Mitch Gillsepie	X	X		X		X	X								
Rep. Joe Hackney	X	X	X	X			X	X	X	X	x	X	x	x	
Rep. Dewey Hill	X	X	X	X		X	X		X				x	x	
Rep. Mark Hilton	X	X	X	X		X	X	X	X	X				x	
Rep. Maggie Jeffus	X	X	X	X		X	X	X	X		X	x		x	
Rep. Linda Johnson	X	X	X			X		X	X	X	X		x	x	
Rep. Paul Luebke	X	X	X	X		X	X	X	X	X		X			
Rep. Danny McComas	X			X		X	X							x	
Rep. Tim Moffitt	X		X	X	X	X	X	X	X	X		X	x	x	
Rep. Earline Parmon	X		X				X						x		
Rep. Ruth Samuelson	X		X	X		X	X		X	X			x	x	
Rep. Paul Stam	X		X	X			X		x	X		X		x	
Rep. Mike Stone	X	X	X	X	X	X	X	X	x	X		X	x	x	
Kory Goldsmith	X	X	X	X	X	X		X		X	X		x	x	
Bill Patterson			X	X	X	X	X	X	X	X	X				
Kelly Quick	X	X	X	X	X	X	X	X	X	x					

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	9-12-2011	9-12-201 pm	9-13-2011												
Rep. Stephen LaRoque Chair	X	x													
Rep. Tim Moore Chair	X	X	X												
Rep. Bill Owens Vice Chair	X	X	X												
Rep. Martha Alexander	X	X	X												
Rep. John Blust	X	X	X												
Rep. Jim Crawford	X		X												
Rep. Leo Daughtry	X		X												
Rep. Bill Faison	X	X													
Rep. Jean Farmer- Butterfield	X	X	x												
Rep. Dale Folwell	X		X												
Rep. Mitch Gillsepie	X		X												
Rep. Joe Hackney	X	X	X												
Rep. Dewey Hill	X	X	X												
Rep. Mark Hilton	X	X	X												
Rep. Maggie Jeffus	X		X												
Rep. Linda Johnson	X	X	X												
Rep. Paul Luebke	X	X	X												
Rep. Danny McComas	X		x												
Rep. Tim Moffitt	X	X	X												
Rep. Earline Parmon	X	X													
Rep. Jason Saine	x	X	X												
Rep. Ruth Samuelson	X	X	X												
Rep. Paul Stam	X	X	X												
Rep. Mike Stone	X	X	X												
Kory Goldsmith	X	X	X												
Bill Patterson	X	X	X												
Kelly Quick	X		X												

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	11-07-2011	11-28-2011	11-28-2011	11-29-2011												
Rep. Stephen LaRoque Chair	X	X	X	X												
Rep. Tim Moore Chair	X	X	X	X												
Rep. Bill Owens Vice Chair	X	X	X	X												
Rep. Martha Alexander	X	X	X	X												
Rep. John Blust	X	X	X	X												
Rep. Jim Crawford		X	X	X												
Rep. Leo Daughtry		X	X	X												
Rep. Bill Faison	X	X	X	X												
Rep. Jean Farmer- Butterfield		X	X													
Rep. Dale Folwell		X		X												
Rep. Mitch Gillsepie	X	X	X	X												
Rep. Joe Hackney	X	X	X	X												
Rep. Dewey Hill		X	X	X												
Rep. Mark Hilton	X	X	X	X												
Rep. Maggie Jeffus		X	X													
Rep. Linda Johnson	X	X	X	X												
Rep. Paul Luebke	X	X	X	X												
Rep. Danny McComas		X														
Rep. Tim Moffitt	X	X	X	X												
Rep. Earline Parmon	X	X		X												
Rep. Jason Saine	X	X	X	X												
Rep. Ruth Samuelson		X	X	X												
Rep. Paul Stam	X	X	X	X												
Rep. Mike Stone	X	X	X	X												
Kory Goldsmith	X	X	X	X												
Bill Patterson		X	X	X												
Kelly Quick	X	X	X	X												

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	11-28-2011	11-28-2011	11-29-2011												
Rep. Stephen LaRoque Chair	X	X	X												
Rep. Tim Moore Chair	X	X	X												
Rep. Bill Owens Vice Chair	X	X	X												
Rep. Martha Alexander	X	X	X												
Rep. John Blust	X	X	X												
Rep. Jim Crawford	X	X	X												
Rep. Leo Daughtry	X	X	X												
Rep. Bill Faison	X	X	X												
Rep. Jean Farmer- Butterfield	X	X													
Rep. Dale Folwell	X		X												
Rep. Mitch Gillsepie	X	X	X												
Rep. Joe Hackney	X	X	X												
Rep. Dewey Hill	X	X	X												
Rep. Mark Hilton	X	X	X												
Rep. Maggie Jeffus	X	X													
Rep. Linda Johnson	X	X	X												
Rep. Paul Luebke	X	X	X												
Rep. Danny McComas	X														
Rep. Tim Moffitt	X	X	X												
Rep. Earline Parmon	X		X												
Rep. Jason Saine	X	X	X												
Rep. Ruth Samuelson	X	X	X												
Rep. Paul Stam	X	X	X												
Rep. Mike Stone	X	X	X												
Kory Goldsmith	X	X	X												
Bill Patterson	X	X	X												
Kelly Quick	X	X	X												

2011-2 Biennium

Bill	Introducer	Short Title		Date	Latest Action
H 23=	Carney	CREATE GLOBAL ENGAGEMENT STUDY COMMITTEE.	H	02-02-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 31	Pierce	UNLAWFUL TO USE MOBILE PHONES WHILE DRIVING.	H	02-03-2011	Ref To Com On Rules, Calendar, and Operations of the House
$ H 47=	**Floyd**	**DEFENSE & SECURITY TECHN. ACCELERATOR FUNDS.**	**H**	**02-08-2011**	**Ref To Com On Rules, Calendar, and Operations of the House**
H 87	LaRoque	STUDY/ACCIDENT/TICKET 30-DAY NO CONTACT.	*H	06-08-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 100=	Brown	HOUSE SELECT COMM. ON NONPROFITS.	*H	06-01-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 105	Keever	MOTORCYCLE AWARENESS MONTH.	H	02-16-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 145	Glazier	PHOEBE'S LAW.	*H	05-17-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 158	Rhyne, Jr.	LIMIT LEGISLATORS TO FOUR CONSECUTIVE TERMS.	H	02-23-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 190=	Ross	GENERAL STATUTES COMM. TECHNICAL CORRECTIONS.	H	02-28-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 221	Moffitt	REQUESTING STATE TREASURER/FIVE.	H	03-03-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 256	Blackwell	INCORPORATE LAKE JAMES.	H	05-17-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 267	Bell	MENTAL HEALTH WORKERS' BILL OF RIGHTS.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 269=	Guice	REAPPOINT EX-OFFENDER REINTEGRATION STUDY.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 272=	Bryant	AOC/STUDY COURT RECORDS.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 273=	Bryant	STUDY EXPUNCTION OF DISMISSALS/NG VERDICTS.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 274=	Bryant	EX-OFFENDER STUDY RECOMMENDATIONS.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 275=	Bryant	OSP/HIRING OF EX-OFFENDERS.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 276=	Pierce	PROMOTE FUNDING AVAILABILITY.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 277=	Pierce	GENERAL STATUTES COMM/COLLATERAL CONSEQUENCES.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 282	Alexander	HOAS/NO PROHIBIT WATER OR ENERGY SAVINGS.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 286=	Warren	OFFICIAL HERRING FESTIVAL.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House

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'=' indicates that the original bill is identical to another bill.

Bill	Introducer	Short Title		Date	Latest Action
H 301	Bradley, Jr.	JT. LEGIS. STUDY ON ALTERNATIVE CURRENCY.	H	03-10-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 323	Torbett	DECREASE CORPORATE INCOME TAX RATE.	H	03-14-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 324	Alexander	AMEND POSSESSION OF MARIJUANA.	H	03-14-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 325	Rhyne, Jr.	JUDICIAL APPOINTMENT/VOTER CONFIRMATION.	H	03-14-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 327	Fisher	INCORPORATE LEICESTER.	H	04-11-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 333=	Mills	ADOPT OFFICIAL STATE SPORT.	H	06-07-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 341=	Weiss	TOBACCO PRODUCTS TAX INCREASE.	H	03-15-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 359=	Michaux, Jr.	CITY/COUNTY BEER AND WINE LICENSE TAXES.	H	04-07-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 412	Farmer-Butterfield	STUDY USE OF ALTERNATIVE MEDICINE.	H	03-22-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 433	Bordsen	NUISANCE ABATEMENT CHANGES.	*H	06-09-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 434=	Luebke	DURHAM/SMALL BUSINESS ENTERPRISE.	H	04-07-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 439	Moore	ALLOW EB LOOK BACK/CONTINUE EXPENDITURES 2011.	*H	05-31-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 441	Moore	CORNELIUS E-MAIL LISTS/ELECTRONIC ACCESS.	H	05-24-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 454	Rapp	ERC TO STUDY CONSTRUCTION ON SLOPES.	H	03-24-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 455	Fisher	OUTDOOR LIGHT FIXTURES USING STATE FUNDS.	H	03-28-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 456	Fisher	JOINT RESOLUTION.	H	03-24-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 458=	Howard	COMMUNITY COLLEGE ADMINISTRATION STUDY.	H	03-24-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 470	Haire	AMEND ALLOCATION OF TVA PAYMENT.	H	03-28-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 472	McGrady	CITY/COUNTY ELECTRONIC NOTICE.	H	05-24-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 477=	Howard	CONSOLIDATE COUNTY DSS ADMIN. FUNCTIONS.	H	03-29-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 478=	Luebke	NONDISCRIMINATION IN STATE/EMPLOYMENT.	H	03-29-2011	Ref To Com On Rules, Calendar, and Operations of the House

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2011-2[illegible] Biennium

Bill	Introducer	Short Title		Date	Latest Action
H 499	McGuirt	LICENSE PLATE COVERS UNLAWFUL.	H	03-30-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 504	Insko	CARRBORO BUILDING CODES.	H	03-30-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 513	Boles, Jr.	ABERDEEN/TREE REMOVAL.	H	03-30-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 519	Brubaker	PIED. TRIAD WATER AUTH./CONTROL FISHING.	*H	04-19-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 524=	Hall	DURHAM CO./PISTOL PURCHASE PERMIT APP. FEE.	H	03-31-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 527	Adams	GREENSBORO MOTOR VEHICLE LEVY.	H	03-31-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 531	Brown	INVOLUNTARY ANNEXATION REFORM.	H	03-31-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 539	Steen, II	BUILDING CODE/WEBB ROAD FLEA MARKET.	H	04-14-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 548	Haire	SWAIN/GRAHAM COUNTY LINE.	H	03-31-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 559	Farmer-Butterfield	STUDY/MUNICIPAL ELECTRIC UTILITIES.	H	03-31-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 560	Farmer-Butterfield	HONOR JEANNE FENNER.	H	06-15-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 568	Womble	LEGISLATIVE MILEAGE.	H	03-31-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 577	Alexander	MEDICAL CANNABIS ACT.	H	04-04-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 579=	Alexander	MODIFY LAW RE: CORPORAL PUNISHMENT.	H	04-04-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 591	Ingle	LDP/IGNITION INTERLOCK CHANGES.	*H	06-13-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 592	Collins	STUDY COUNTY PUBLIC-PRIVATE PARTNERSHIPS.	H	06-08-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 600	Insko	ALLOW/CONTROLLED SUBSTANCE FELONY/WK 1ST/SNAP.	H	04-05-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 601	Insko	REDUCE BLOODBORNE DISEASE INFECTION.	H	04-05-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 608=	Bordsen	HONOR B HOLT.	H	04-05-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 610	Harrison	HOG LAGOON PHASE OUT/LIVESTOCK TREATMENT.	H	04-05-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 625	Blackwell	STUDY/BILL OF RIGHTS/DEAF/HEARING IMPAIRED.	*H	06-08-2011	Re-ref Com On Rules, Calendar, and Operations of the House

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2011-2012 Biennium

Bill	Introducer	Short Title		Date	Latest Action
H 626	Blackwell	SURCHARGE FOR CREDIT CARD USE PROHIBITED.	H	04-06-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 628=	Jeffus	DEVELOPMENT READY JOBS STUDY.	H	06-08-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 633	Current, Sr.	LIMIT CONTRIBUTIONS FROM POLITICAL PARTIES.	H	04-06-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 651=	Luebke	PARDON GOVERNOR HOLDEN.	H	04-06-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 657	McGrady	CHILDREN'S OUTDOOR BILL OF RIGHTS.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 665	Boles, Jr.	REQUIRE DRIVERS EDUCATION FOR ALL DRIVERS.	*H	06-07-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 671	Hamilton	BEAUTIFY ROADS AND CLEAN UP COUNTRYSIDE.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 672	Steen, II	USE OF MISAPPROPRIATED IT AN UNFAIR PRACTICE.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 679=	Lewis	STRENGTHENING RESIDENTIAL PLACEMENT.	H	06-13-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 680	Graham	STUDY/AMERICAN INDIAN CHILD WELFARE ACT.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 681	Graham	STUDY OF AMERICAN INDIAN MASCOTS AT SCHOOLS.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 698=	Dockham	DENTISTRY MANAGEMENT ARRANGEMENT LIMITS.	H	06-09-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 699	Bordsen	STUDY CHILDREN OF INCARCERATED PARENTS.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 701=	Bordsen	HONOR MAXINE SWALIN.	*H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 703	Alexander	ABOLISH CEMETERY COMM/AMEND FUNERAL LAWS.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 708=	Hamilton	STUDY WATER & SEWER SERVICE PROVIDERS.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 714=	Torbett	LEGAL SERVICES.	*H	06-09-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 723	Harrison	CLARIFY SEPA /ECONOMIC INCENTIVES EXCLUSION.	*H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 728	Bordsen	LRC/STUDY INMATE LABOR.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 732	Blust	STUDY TORT REFORM.	*H	06-08-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 733	Jordan	MODIFY PROPERTY FINDER PROVISIONS.	*H	06-02-2011	Re-ref Com On Rules, Calendar, and Operations of the House

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Bill	Introducer	Short Title		Date	Latest Action
H 740	Keever	LRC STUDY ON SEX OFFENDER REGISTRATION.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 745	Floyd	STUDY HUMAN RELATIONS COMM DUTIES.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 752	Weiss	REVOLVING DOOR.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 753	Insko	ESTABLISH RADIOLOGIC TECHNICIANS LICENSURE.	H	06-13-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 767	Cotham	HONOR SUSAN MECUM BURGESS.	H	06-09-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 777	Lewis	DEFENSE OF MARRIAGE.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 788	Bryant	STRAIGHT-TICKET PROVISIONAL VOTING.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 800	Murry	PRESERVING THE RIGHT TO SECRET BALLOT.	*H	06-08-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 801	Faison	BUILDING CODE REVISIONS/MODIFY LEG. REVIEW.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 814=	Collins	FAIR COMPENSATION FOR MORTGAGE BROKER/LENDER.	H	05-10-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 815	West	TEACHERS/ISOLATED K-12 SCHOOLS.	H	06-01-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 817	McElraft	LOTTERY ADMIN. EXPENSES/UNCLAIMED PRIZES.	H	04-07-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 832=	Brubaker	LRC STUDY/NONATTORNEY OWNERSHIP/PC LAW FIRMS.	*H	06-08-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 850	Folwell	THE BAUCUM - REYNOLDS SAFE ROADS ACT.	*H	06-16-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 858	Womble	HONOR R. PHILIP HANES, JR.	H	06-16-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 859=	Boles, Jr.	AOC/CUSTODY & AVAILABILITY OF CT RECORDS.	*H	06-08-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 861	Michaux, Jr.	LOCAL OPTION TAX MENU.	H	04-12-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 865	Steen, II	ELIMINATE PASSENGER RAIL FARE SUBSIDY.	H	06-09-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 867=	Starnes	REMOTE RETAILER CLICK-THROUGH STUDY.	*H	06-09-2011	Re-ref Com On Rules, Calendar, and Operations of the House
$ H 870	**Pierce**	**ENFORCEMENT FUNDS/TEXTING WHILE DRIVING.**	**H**	**04-26-2011**	**Ref To Com On Rules, Calendar, and Operations of the House**
$ H 871	**Pierce**	**ROOT OUT POVERTY/TASK FORCE FUNDS.**	**H**	**04-26-2011**	**Ref To Com On Rules, Calendar, and Operations of the House**

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Bill	Introducer	Short Title		Date	Latest Action
H 877	Stevens	CHECK OFF DONATION: GOVERNMENT FUNDING.	*H	06-09-2011	Re-ref Com On Rules, Calendar, and Operations of the House
$ H 878=	**Wainwright**	**STUDY RADIOLOGIST ASSISTANT LICENSURE.**	**H**	**05-04-2011**	**Ref To Com On Rules, Calendar, and Operations of the House**
H 879	Luebke	RAISE INCOME TAX ON MILLIONAIRES.	H	05-04-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 883	Pierce	TAX AMNESTY PROGRAM.	H	05-04-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 884	Pierce	EXTEND TEMP. SALES TAX RATE INCREASE 2 YEARS.	H	05-04-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 885	Pierce	TAX INCIDENCE REPORTS.	H	05-04-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 890	Luebke	EXTEND TEMPORARY INCOME TAX SURTAX.	H	05-05-2011	Ref To Com On Rules, Calendar, and Operations of the House
$ H 894	**Pierce**	**BORDERBELT AIDS RESOURCES TEAM FUNDS.**	**H**	**05-05-2011**	**Ref To Com On Rules, Calendar, and Operations of the House**
$ H 900	**Haire**	**COURTS COMMISSION STUDY.**	**H**	**05-05-2011**	**Ref To Com On Rules, Calendar, and Operations of the House**
$ H 902	**Jones, Jr.**	**TAX REFORM COMMITTEE.**	**H**	**05-05-2011**	**Ref To Com On Rules, Calendar, and Operations of the House**
H 909	Luebke	COMBINED REPORTING FOR CORPORATE INCOME TAX.	H	05-05-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 910	LaRoque	GOV'T HEALTH PLANS/ LIMITED ABORTION COVERAGE.	*H	06-08-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 912	Brandon, Jr.	VACANT HOUSING RECEIVERSHIP.	H	05-05-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 917	Hamilton	MODIFY LOCAL SALES TAX CITY DISTRIBUTION.	H	05-10-2011	Re-ref Com On Rules, Calendar, and Operations of the House
H 922	Hamilton	ANNEXATION REFORM.	H	05-05-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 931=	Steen, II	CONFIRM EDWARD FINLEY TO UTILITIES COMMISSION.	H	05-25-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 932	Martin	HONOR NC USO.	H	05-26-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 935	Jordan	RESCIND CONSTITUTIONAL CONVENTION CALLS.	H	06-14-2011	Ref To Com On Rules, Calendar, and Operations of the House
H 936=	Moore	ADJOURNMENT RESOLUTION.	H	06-16-2011	Re-ref Com On Rules, Calendar, and Operations of the House
S 5	Vaughan	HONOR JOHN MCNEILL SMITH, JR.	H	06-15-2011	Re-ref Com On Rules, Calendar, and Operations of the House
S 60	Robinson	LUPUS AWARENESS MONTH.	H	04-28-2011	Ref To Com On Rules, Calendar, and Operations of the House

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2011-2 Biennium

Bill	Introducer	Short Title		Date	Latest Action
S 149	Kinnaird	NO NONMETALLIC KNUCKLES.	*H	05-26-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 187	East	OUTLAW RED LIGHT CAMERA SYSTEMS.	*H	06-01-2011	Re-ref Com On Rules, Calendar, and Operations of the House
S 205	Allran	NO BENEFITS FOR ILLEGAL ALIENS.	*H	06-08-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 224	Dannelly	PROFESSIONAL SPORTS AGENTS/COLLEGE ATHLETES.	*H	06-09-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 236	Goolsby	LOCAL EVENTS PRIORITY/CONVENTION CENTER.	*H	06-13-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 256=	Hunt	PARDON GOVERNOR HOLDEN.	H	04-14-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 364	Clodfelter	CANCEL AIRCRAFT LIEN W/ SURETY BOND DEPOSIT.	H	06-16-2011	Re-ref Com On Rules, Calendar, and Operations of the House
S 382	Apodaca	REQUIRED WITHHOLDING FOR NONRESIDENTS.	*H	05-26-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 413	Clodfelter	ORDINANCE FIRST READING VOTE.	*H	06-16-2011	Re-ref Com On Rules, Calendar, and Operations of the House
S 416	Harrington	SCHOOL BUSES/STATE VEHICLES/TIRES.	*H	04-05-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 423	Tillman	EDUC. OVERSIGHT COMM. STUDY OF TEACHER TENURE.	H	06-15-2011	Re-ref Com On Rules, Calendar, and Operations of the House
S 488	Stein	LANDLORD NOTICE NC BAR/HOMEOWNER-BUYER PROT.	*H	06-17-2011	Re-ref Com On Rules, Calendar, and Operations of the House
S 626	Hartsell	PED TO STUDY DENR ACTION/ALCOA CONTAMINATION.	*H	05-16-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 661=	Bingham	LICENSE PLATE AGENCY CONTRACTS.	*H	05-16-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 696	Stein	ADDRESS PRIMARY CARE SHORTAGE.	*H	06-13-2011	Ref To Com On Rules, Calendar, and Operations of the House
S 755	Tucker	ED. EMPLOYEES ASS'N./EQUAL ACCESS ACT.	*H	06-13-2011	Ref To Com On Rules, Calendar, and Operations of the House

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MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
February 1, 2011

The Committee on Rules, Calendar and Operations of the house met on February 1, 2011 at 2:30pm in Room 1228 of the Legislative Building. The following members were present, Representative LaRoque Chair, Representative T. Moore Chair, Representative Owens Vice Chair, Representative Rhyne Vice Chair, Representatives Alexander, Crawford, Daughtry, Faison, Farmer-Butterfield, Folwell, Hackney, Hill, Jeffus, Luebke, McComas, Parmon, Samuelson, Stam, Stone.

Rep T. Moore recognized the Pages andSergeant-at-Arms

The following bills and resolutions were considered:

HB10- A JOINT HOUSE RESOLUTION HONORING THE FOUNDERS OF TRANSYLVANIA COUNTY ON THE OCCASION OF THE COUNTY'S ONE HUNDRED FIFTIETH ANNIVERSARY. (Representative Guice, Primary Sponsor) Chair Moore recognized Rep. Rhyne moved that house proposed Committee Substitute be adopted for committee discussion. **HB 10-A HOUSE RESOLUTION HONORING THE FOUNDERS OF TRANSYLVANIA COUNTY ON THE OCCASION OF THE COUNTY'S ONE HUNDRED FIFTIETH ANNIVERSARY.** Rep Owens moved that the bill be adopted. No debate or discussion Vote called. Motion passed with recommendation that the committee substitute House Resolution be adopted, unfavorable as to the original House Joint resolution.

HB 6- BILL TO BE ENTITLED AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL. (Representatives Starnes, Barnhart, Howard, and Steen, Primary Sponsors) Rep Farmer-Butterfield moved a favorable report of HB 6. No Discussion or debate. Vote called HB 6 passed with favorable report.

HB 19-A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2011 REGULAR SESSION. (Representatives T. Moore and LaRoque, Primary Sponsors) Permanent Rules bill opened for discussion Gerry Cohen from Bill Drafting reviewed changes. Discussion and debate on the bill.

Discussion to be continued at next Rules Committee meeting

Meeting Adjured at 3:58 and will meet again on Feb 2, 2011 at 1:00PM in room 1228

Respectfully submitted:

Rep Tim Moore
Chair

Lisa Kennedy
Rule Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, February 1, 2011
TIME: 15 Minutes After Session
LOCATION: 1228 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 19	Permanent House Rules.	Representative Moore Representative LaRoque

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **19** o'clock on **January 31, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 10
PROPOSED COMMITTEE SUBSTITUTE H10-PCS30054-LG-1

Sponsors:

Referred to:

January 31, 2011

A HOUSE RESOLUTION HONORING THE FOUNDERS OF TRANSYLVANIA COUNTY ON THE OCCASION OF THE COUNTY'S ONE HUNDRED FIFTIETH ANNIVERSARY.

Whereas, Transylvania County was formed from Henderson and Jackson Counties by an act of the State legislature in 1861; and

Whereas, the act was introduced by Hendersonville attorney and representative of the House of Commons in the General Assembly, Joseph P. Jordan; and

Whereas, Transylvania County's name was derived from the Latin words trans ("across") and silva or sylva ("woods"); and

Whereas, the many tributes and events of historical importance make Transylvania County truly unique; and

Whereas, the City of Brevard, laid out on land donated by Braxton C. Lankford, Leander S. Gash, and Alex F. England, was established as the county seat in 1868 and was named for Dr. Ephraim Brevard, who helped write the Declaration of Independence for Mecklenburg County and served his burgeoning young nation as a surgeon during the American Revolution; and

Whereas, perhaps the most widely known pioneer family in the County's past, the Gillespie family (formerly Gillaspie), has had a historical impact reaching far beyond the upper French Broad River as the founders of Transylvania County's famed clan of gunsmiths. The father, John Gillespie, also fought in the American Revolution and has been added to the honored roll of veterans of the American War for Independence who were laid to rest in Transylvania County; and

Whereas, in 1902, Joseph S. and Elizabeth Mount Silversteen came to Transylvania County as a young couple and embarked on a lifetime of business and civic leadership. The Silversteen family provided jobs for thousands of people throughout the County at their Toxaway Tanning, Gloucester Lumber, and Rosman Tanning Extract companies in Rosman and Transylvania Tanning in Brevard. The Silversteens' legacy of civic and cultural involvement continues to benefit the citizens of Transylvania County today; and

Whereas, the original Brevard Rosenwald School for African-Americans was constructed in 1920 and was a place of learning and of celebrating one's identity and, furthermore, emphasized the need for the students themselves to be caring, compassionate citizens; and

Whereas, Transylvania County became the State's first public school system to integrate, beginning in 1963, and became fully integrated in 1966, and Brevard High School was the first North Carolina high school to field integrated athletic teams, beginning with its 1963 State champion football team; and

Whereas, Brevard College, an internationally recognized liberal arts institution, formed in 1853, is the oldest college or university in the mountains of Western North Carolina; and

Whereas, residents of Transylvania County take pride in the cultural resources in the County, including the Brevard Music Center, an internationally known summer institute which provides outstanding opportunities for students to learn and work with some of music's acknowledged professionals; an excellent public library known statewide for its high usage and contributions to the community's cultural life; a public school system recognized across North Carolina as of the highest caliber; a broad faith community, with churches throughout the County; and a remarkable array of rich, indigenous mountain music and renowned arts and crafts; and

Whereas, Transylvania County is known as the "Land of Waterfalls," as it is blessed with over 250 waterfalls, partially due to the fact that parts of Transylvania County receive the largest amount of rainfall in the State; and

Whereas, the Blue Ridge Parkway traverses parts of the County, affording spectacular views of the Appalachian Mountains, which reach over 6,000 feet in elevation in the County, with the highest point being Chestnut Knob, which lies northwest of the county seat; and

Whereas, the Cradle of Forestry in America is a 6,500-acre historic site within the Pisgah National Forest which attracts more than 40,000 visitors annually. Officially established in 1968, its roots begin with Carl Schenck's Biltmore Forest School, the first forestry school in America. The Cradle's Forest Discovery Center offers visitors a hands-on experience in conservation, history, and resource management, telling the story of the history of the area and early forest practices; and

Whereas, Transylvania County citizens have always answered the call to serve in our nation's military forces in peace and wartime. Beginning with the Spanish-American War through World War I, World War II, the Korean Conflict, Vietnam, the Gulf War, and now in the conflicts in Iraq and Afghanistan, our citizens were there. Both men and women served willingly and honorably in the United States Army, Marine Corps, Navy, Air Force, and the Coast Guard. Some did not return, answering the ultimate call; and

Whereas, Transylvania County has contributed to the social, economic, cultural, and political prosperity of the State of North Carolina; and

Whereas, Transylvania County has continued to grow and prosper through the continued dedication, insight, and planning of the County's concerned leaders and citizens; and

Whereas, Transylvania County has a population of approximately 30,000 people; and

Whereas, Transylvania County is divided into nine townships: Balsam Grove, Brevard, Catheys Creek, Cedar Mountain, Dunns Rock, Lake Toxaway, Little River, Pisgah Forest, and Rosman; and

Whereas, plans have been made to celebrate Transylvania County's 150th historic anniversary throughout 2011; and

Whereas, this occasion is worthy of celebration and should be enjoyed and supported by all North Carolinians; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the founders of Transylvania County and encourages the citizens of this State to join Transylvania County in demonstrating respect for their history and heritage during the County's 150th anniversary.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Chair of the Transylvania County Board of Commissioners.

SECTION 3. This resolution is effective upon adoption.

min
Feb 1

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HJR 10 A JOINT RESOLUTION HONORING THE FOUNDERS OF TRANSYLVANIA COUNTY ON THE OCCASION OF THE COUNTY'S ONE HUNDRED FIFTIETH ANNIVERSARY.

☒ With recommendation that the committee substitute House resolution be adopted, unfavorable as to the original House Joint resolution.

(FOR JOURNAL USE ONLY)

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

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

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

HOUSE BILL 6

Short Title:	House Pensions Committee Duties.	(Public)
Sponsors:	Representatives Starnes, Barnhart, Howard, and Steen (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

January 27, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL.

The General Assembly of North Carolina enacts:

SECTION 1. Article 14A of Chapter 120 of the General Statutes is amended by adding a new section to read:

"**§ 120-111.5. House Standing Committee on State Personnel.**

If the House of Representatives does not have a Committee on Pensions and Retirement but does have a Committee on State Personnel, then any reference to the "Committee on Pensions and Retirement" in the remainder of this Article shall, as to the House of Representatives, be construed as a reference to the "Committee on State Personnel."

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

min
Feb 1

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 6 A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE RESOLUTION DRHR30046-LB-96 (10/28)

Sponsors: Representatives T. Moore and LaRoque (Primary Sponsors).

Referred to:

A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2011 REGULAR SESSION.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Session of the House of Representatives of the 2011 General Assembly are:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE REGULAR SESSION OF THE 2011 GENERAL ASSEMBLY OF NORTH CAROLINA

I. Order of Business, 1-5
II. Conduct of Debate, 6-12
III. Motions, 13-19
IV. Voting, 20-25
V. Committees, 26-30
VI. Handling of Bills, 31-44.1
VII. Legislative Officers and Employees, 45-49
VIII. Privileges of the Hall, 50-53
IX. General Rules, 54-62

I. Order of Business

RULE 1. **Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2011, no sessions may be held on Friday. Without leave of the House, no session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No session shall be held on Sunday.

RULE 1.1. **Emergencies.** In the event of a disaster, natural or otherwise, that precludes the General Assembly from meeting in the Legislative Building, the members will be notified by the Speaker where and when the House will convene.

RULE 2. **Opening the Session.** – At the convening hour on each legislative day, the Speaker shall call the members to order and shall have the session opened with prayer. At the convening hour on the first day of each legislative week, the Speaker, or the Speaker's designee, shall lead the members in the Pledge of Allegiance to the American Flag.

RULE 3. **Quorum.** – (a) A quorum consists of a majority of the qualified members of the House.

(b) Should the point of a quorum be raised, the doors shall be closed, and the Clerk shall call the roll of the House, after which the names of those not responding shall again be called. In the absence of a quorum, 15 members are authorized to compel the attendance of

absent members and may order that absentees for whom no sufficient excuses are made be taken into custody wherever they may be found by special messenger appointed for that purpose.

RULE 4. **Approval of Journal.** – (a) The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall cause the Journal of the House to be examined daily before the hour of convening to determine if the proceedings of the previous day have been correctly recorded.

(b) Immediately following the opening prayer and upon appearance of a quorum, the Speaker shall call for the Journal report by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, or by a Representative designated by the Chair, as to whether the proceedings of the previous day have been correctly recorded. Without objection, the Speaker shall cause the Journal to stand approved.

RULE 5. **Order of Business of the Day.** – After the approval of the Journal of the preceding day, except by leave of the House, the House shall proceed to business in the following order:

(1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
(1a) Messages from the Governor;
(2) Ratification of bills;
(3) Reports of standing committees and permanent subcommittees;
(4) Reports of select committees;
(5) Reports of referral by standing committee Chairs of bills to permanent subcommittees;
(6) First reading and reference to committee of bills and resolutions;
(7) Messages from the Senate;
(8) Concurrence with Senate amendments or Senate committee substitutes;
(9) The unfinished business of the preceding day;
(10) Calendar (each category in accordance with Rule 40 – House bills first):
  a. Resolutions for adoption
  b. Conference reports for adoption
  c. Local bills (roll call), third reading
  d. Local bills (roll call), second reading
  e. Local bills, third reading
  f. Local bills, second reading
  g. Public bills (roll call), third reading
  h. Public bills (roll call), second reading
  i. Public bills and resolutions, third reading
  j. Public bills and resolutions, second reading;
(11) Reading of notices and announcements.

II. Conduct of Debate

RULE 6. **Duties and Powers of the Speaker.** – The Speaker shall have general direction of the Hall, subject to more specific provisions of these rules. The Speaker may name any member to perform the duties of the chair, but substitution shall not extend beyond one day, except in the case of sickness or by leave of the House. If the Speaker is absent and has not designated a member to perform the duties of the chair, the Speaker Pro Tempore shall preside during such absence. In the case of a vacancy in the office of the Speaker of the House of Representatives, the Principal Clerk shall preside over the House until the House elects a Speaker.

RULE 7. **Obtaining Floor.** – (a) When any member desires recognition for any purpose, the member shall rise and respectfully address the Speaker. No member shall proceed until recognized by the Speaker for a purpose.

(b) When a member desires to interrupt a member having the floor, the member shall first obtain recognition by the Speaker and permission of the member occupying the floor, and when such recognition and permission have been obtained, he or she may propound a question to the member occupying the floor; but he or she shall not otherwise interrupt the member having the floor, except as provided in subsection (c) of this rule; and the Speaker shall, without the point of order being raised, enforce this rule.

(c) A member who has obtained the floor may be interrupted only for the following reasons:

(1) A request that the member speaking yield for a question,

(2) A point of order,

(3) A parliamentary inquiry, or

(4) A question of privilege.

RULE 8. **Questions of Privilege.** – Upon recognition by the Speaker for that purpose, any member may speak to a question of privilege for a time not to exceed three minutes. Questions of privilege shall be those affecting, first, the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence over all other questions, except motions to adjourn. Privilege may not be used to explain a vote or debate a bill. The Speaker shall determine if the question is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 9. **Points of Order.** – (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A three-fifths vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated, except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from the ruling of the chair and the decision by a three-fifths vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House, requires it, the member shall be liable to censure by the House.

RULE 10. **Limitations on Debate.** – (a) No member shall speak on, debate, or solicit cosponsors for a bill or resolution at its first reading.

(b) No member shall speak more than twice on the main question nor longer than 15 minutes for the first speech and five minutes for the second speech; nor shall the member speak more than twice upon an amendment or motion to reconsider, re-refer, appeal, or postpone or any motion on concurrence, and then not longer than 10 minutes for the first speech and five minutes for the second speech.

(c) A member may speak only once and for not more than 10 minutes on the question of the adoption of a minority report.

(d) In computing the time allowed for argument, the time consumed in asking and answering questions should be considered. If a member consents to the question, the time consumed by the interruption is taken out of any time allowed that member.

(e) The House, by consent of a majority of the members present, may suspend the operation of subsections (b) through (d) of this rule during any debate on any particular question before the House.

RULE 11. **Reading of Papers.** – When there is a call for the reading of the text of a paper which has been presented to the House and there is objection to such reading, the question shall be determined by a majority vote of the members of the House present. Except for protests permitted by the Constitution, no member may have material printed in the Journal

until said material has been presented to the House and the printing approved by the House, and said material shall not exceed 1,000 words.

RULE 12. **General Decorum.** – (a) The Speaker shall preserve order and decorum.

(b) Decency of speech shall be observed and disrespect to personalities carefully avoided.

(c) When the Speaker is putting any question, or addressing the House, no person shall speak, stand up, walk out of, or cross the House nor, when a member is speaking, engage in disruptive discourse or pass between the member and the chair.

(d) Food or beverages shall not be permitted on the floor of the House during the first two hours of the daily session.

(e) The reading of newspapers shall not be permitted on the floor of the House while the House is in session.

(f) The consumption of food or beverages shall not be permitted in the galleries at any time.

(g) Special recitals and performances by musicians or other groups shall not be permitted on the floor of the House; and special guests of members of the House shall not be permitted on the floor of the House.

(h) Members shall observe appropriate attire, coat and tie for male members and dignified dress for female members.

(i) The use of wireless telephones shall not be permitted in the House Chamber.

(j) Placards, stickers, or signs are not permitted in the House Chamber.

III. Motions

RULE 13. **Motions Generally.** – (a) Every motion shall be reduced to writing if the Speaker or any two members request it. No motion relating to a bill shall be in order which does not identify the bill by its number and short title.

(b) When a motion is made, it shall be stated by the Speaker, or, if written, it shall be handed to the chair and read aloud by the Speaker or Clerk before debate.

(c) After a motion has been stated by the Speaker or read by the Speaker or Clerk, it shall be in the possession of the House; but it may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be in possession of the House and shall not be withdrawn without leave of the House.

RULE 14. **Motions, Order of Precedence.** – When there are motions before the House, the order of precedence is as follows:

To adjourn.
To recess.
To lay on the table.
Previous question.
To postpone indefinitely.
To reconsider.
To postpone to a day certain.
To re-refer.
To amend an amendment.
To amend.
To pass the bill.

No motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to re-refer, or to make a particular amendment, being decided, shall be again allowed at the same stage of the bill or proposition.

RULE 15. **Motion to Adjourn.** – (a) A motion to adjourn shall be seconded before the motion is put to the vote of the House.

(b) A motion to adjourn shall be decided without debate and shall always be in order, except when the House is voting or some member is speaking; but a motion to adjourn

shall not follow a motion to adjourn until debate or some other business of the House has intervened.

RULE 16. **Motion to Table.** – (a) A motion to table shall be seconded before the motion is put to the vote of the House and is in order except when a motion to adjourn or to recess is before the House.

(b) A motion to table shall be decided without debate.

(c) A motion to table a bill shall constitute a motion to table the bill and all amendments thereto.

(d) When the question before the House is the adoption of an amendment to a bill or resolution, a motion to table the bill is not in order; and a motion to table an amendment applies to the amendment only, and the motion may not expressly or by implication or construction be expanded to include a motion to table the bill also.

(e) When a question has been tabled, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to remove from the table approved by a two-thirds vote.

RULE 17. **Motion to Postpone Indefinitely.** – A motion to postpone indefinitely is in order except when a motion to adjourn or to lay on the table or for the previous question or to recess is before the House. However, after one motion to postpone indefinitely has been decided, another motion to postpone indefinitely shall not be allowed at the same stage of the bill or proposition. When a question has been postponed indefinitely, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to place on the favorable calendar approved by a two-thirds vote.

RULE 18. **Motion to Reconsider.** – (a) When a question has been decided, it is in order for any member to move for the reconsideration thereof on the same or the succeeding legislative day; provided that if the vote by which the motion was originally decided was taken by a recorded vote, only a member of the prevailing side may move for reconsideration.

(b) A motion to reconsider shall be determined by a majority vote, except the following shall require a two-thirds vote: a second or subsequent motion to reconsider and a motion to reconsider:

(1) A vote upon a motion to table,
(2) A motion to postpone indefinitely,
(3) A motion to remove a bill from the unfavorable calendar,
(4) A motion that a bill be read twice on the same day, or
(5) A motion to remove from the table.

(c) A motion to reconsider the vote by which a person has been elected as Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be suspended except by a vote of three-fifths of all the members of the House.

RULE 19. **Previous Question.** – (a) The previous question may be called only by:

(1) The Chair of the Committee on Rules, Calendar, and Operations of the House;
(2) The Majority Leader;
(3) The member submitting the report on the bill or other matter under consideration;
(4) The member introducing the bill or other matter under consideration;
(5) The member in charge of the measure, who shall be designated by the chair of the standing committee or permanent subcommittee reporting the same to the House at the time the bill or other matter under consideration is reported to the House or taken up for consideration.

(b) The previous question shall be as follows: "Shall the main question now be put?" When the call for the previous question has been decided in the affirmative by a majority

vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn, motion to recess, or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

(e) After the previous question is ordered, the Majority Leader and the Minority Leader may each allocate three minutes of debate on the question. The Majority Leader and the Minority Leader may each designate another member to act under this subsection in their absence.

IV. Voting

RULE 20. **Use of Electronic Voting System.** – (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
   a. Raising money on the credit of the State,
   b. Pledging the faith of the State for the payment of a debt,
   c. Imposing a State tax, or
   d. Authorizing a county, municipality, or other local governmental unit to
      1. Raise money on its credit,
      2. Pledge its faith for the payment of a debt, or
      3. Impose a local tax.

(2) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.

(3) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.

(4) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.

(b) Votes on the following questions shall be taken on the electronic voting system:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.

(2) Upon a call for division.

(3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.

(c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. Once the system is locked, the vote shall be recorded and printed.

(d) The voting station at each member's desk in the Chamber shall be used only by the member to which the station is assigned. Under no circumstances shall any other person vote at a member's station. It is a breach of the ethical obligation of a member either to request that another person vote at the requesting member's station or to vote at another member's station. The Speaker shall enforce this rule without exception.

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed

vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.

(g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic voting system, the Speaker shall announce that fact to the House, and any partial electronic voting system voting record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered that a malfunction caused an error in the electronic voting system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the House.

(h) For the purpose of identifying motions on which the vote is taken on the electronic voting system, the motions are coded as follows:

(1) To adjourn.
(2) To recess.
(3) To lay on the table.
(4) Previous question.
(5) To postpone indefinitely.
(6) To reconsider.
(7) To postpone to a day certain.
(8) To re-refer.
(9) To amend an amendment.
(10) To amend.
(11) To concur or not concur.
(12) Miscellaneous.

RULE 21. **Voice Votes; Stating Questions.** – (a) All other votes except those required to be taken on the electronic voting system shall be taken by voice vote.

(b) When a voice vote is taken, the Speaker shall put the question substantially as follows: "Those in favor (as the question may be) will say 'Aye'," and after the affirmative voice has been expressed, "Those opposed will say 'No'."

(c) No statement, explanation, debate, motion, parliamentary inquiry, or point of order shall be allowed once the voice vote has begun. Any point of order or parliamentary inquiry may be raised, however, after the completion of the vote.

RULE 22. **Determining Questions.** – (a) Unless otherwise provided by the Constitution of North Carolina or by these rules, all questions shall be determined by a simple majority of the members present and voting.

(b) No member may vote unless the member is in the Chamber when the question is put. This subsection of this rule cannot be suspended.

RULE 23. **Voting by Division.** – Any member may call for a division of the members upon the question before the result of the vote has been announced. Upon a call for a division, the Speaker shall cause the number voting in the affirmative and in the negative to be

determined. Upon a division and count of the House on any question, no member away from the member's seat shall be counted.

RULE 24. **Roll Call Vote.** – (a) Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote.

(b) Every member who is in the Hall of the House when the question is put shall vote upon a call of the ayes and noes, unless excused pursuant to Rule 24.1A.

(c) No member may change a vote without leave of the House, but such leave shall not be granted if it affects the result.

RULE 24.1A. **Excuse From Deliberations and Voting on a Bill.** – (a) Any member shall, upon request, be excused in advance from the deliberations and voting on a particular bill at any time that the reason for the request arises in the proceedings on the bill.

(b) The member may make a brief oral statement of the reasons for making the request, and shall do so if required by the State Government Ethics Act. The member may provide to the Principal Clerk, on a form provided by the Clerk, a concise written statement of the reason for the request, and the Clerk shall include this statement in the Journal.

(c) The member so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill, in committee or on the floor of the House at any reading, or any subsequent consideration of the bill.

(d) A member may request that his or her excuse from deliberations on a particular bill be withdrawn.

(e) By leave of the House, a member who has been excused from deliberations and voting on a bill may participate in deliberations and votes on amendments to which that member does not have any conflict that requires excusal.

RULE 24.1B. **Division of Amendments.** – Any member may call for an amendment to be divided into two or more amendments to be voted on separately, and the Speaker shall determine whether the amendment admits of such a division.

RULE 25. **Voting by Speaker.** – In all elections the Speaker may vote. In all other instances the Speaker may vote or may reserve this right until there is a tie in which event the Speaker may vote; but in no instance may the Speaker vote twice on the same question.

V. Committees

RULE 26. **Standing Committees and Permanent Subcommittees Generally.** – (a) The Speaker shall appoint a chair, or cochairs, of every standing committee, permanent subcommittee, and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

(b) The Speaker shall establish the number of members of each standing committee and standing subcommittee, and appoint the members in a manner to reflect the partisan membership of the House, except that the Committee on Ethics shall have an equal number of members of the majority and minority.

(c) Before appointing members of committees and subcommittees, the Speaker shall consult with the Minority Leader. The Speaker and Minority Leader shall consider members' committee preferences in making appointments and recommendations.

(d) The Speaker may not appoint new members to committees or permanent subcommittees after April 15 of an odd-numbered year or at any time during an even-numbered year except to fill vacancies caused by the resignation, death, removal, or inability to serve of a member. As to select committees established after March 1 of an odd-numbered year or during an even-numbered year, the Speaker may not appoint new members more than 60 calendar

days after the select committee is established, except to fill vacancies caused by the resignation, death, removal, or inability to serve of a member.

(e) Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.

(f) A maximum of two chairs of a standing committee are entitled to vote in a permanent subcommittee of the standing committee.

(g) Either the chair or acting chair, designated by the chair or by the Speaker, and five other members of the standing committee or permanent subcommittee, or a majority of the standing committee or permanent subcommittee, whichever is fewer, shall constitute a quorum of that standing committee or permanent subcommittee. A quorum of less than a majority of all the members must include at least one member of the minority party.

(h) In any joint meeting of the Senate and House committees or subcommittees, the House standing committee or permanent subcommittee reserves the right to vote separately.

RULE 26.1. **Mentions of Standing Committee Includes Select Committee.** – Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. **List of Standing Committees and Permanent Subcommittees.** – The standing committees and permanent subcommittees thereof are:

Committees	Subcommittees
Agriculture	(None)
Appropriations	-Education -General Government -Health and Human Services -Justice and Public Safety -Natural and Economic Resources -Transportation
Banking	(None)
Commerce and Job Development	-Alcoholic Beverage Control -Business and Labor -Science and Technology
Education	(None)
Elections	(None)
Environment	(None)
Ethics	(None)
Finance	(None)
Government	(None)
Health and Human Services	-Mental Health

Homeland Security, Military, and Veterans Affairs	(None)
Insurance	(None)
Judiciary	-Judiciary A -Judiciary B -Judiciary C
Public Utilities	(None)
Rules, Calendar, and Operations of the House	(None)
State Personnel	(None)
Transportation	(None)

RULE 28. **Standing Committee and Permanent Subcommittee Meetings.** – (a) Standing committees and permanent subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule established by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

(b) Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.

(c) The Chair or other presiding officer shall have general direction of the meeting place of the standing committee or permanent subcommittee, and, in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the Chair or presiding officer shall have power to exclude from the session any individual or individuals so hindering the legislative business.

(d) Procedure in the standing committees and permanent subcommittees shall be governed by the rules of the House, so far as the same may be applicable to such procedure. Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically and shall be subject to Rule 21(c).

(e) No standing committee or permanent subcommittee shall meet on any day when the House shall not convene except by permission of the Speaker or by approval of the House by resolution adopted by a majority vote of the House.

(f) No standing committee or permanent subcommittee shall meet during any session of the House. Standing committees and permanent subcommittees shall meet at their regularly scheduled hour. No permanent subcommittee shall meet at the same time that its standing committee is meeting. Standing committees and permanent subcommittees may meet at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House in order to assure the availability of the meeting room and that no conflicts will exist with the meetings of other bodies. All standing committee and permanent subcommittee meetings shall adjourn no later than:

(1) 15 minutes preceding a regular session of the House, and
(2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

Action taken by a committee in violation of this rule is voidable unless taken by unanimous consent at a meeting at which a majority of all the members of the committee are present, and at least one member present is of the minority party.

(g) Any call or notice of a standing committee or permanent subcommittee meeting between legislative sessions shall be sent by electronic mail to each member of the standing committee or permanent subcommittee at least five days prior to such meeting. If a member of the body so requests in writing to the chair of the standing committee or permanent subcommittee, the member shall be notified by mail of the meetings.

(h) During standing committee and permanent subcommittee meetings, the chair may exercise the right to vote, or may reserve this right until there is a tie, in which event the chair may vote, but in no instance may the chair vote twice on the same question.

RULE 28.1. **Ethics Committee Investigations Into Violations of the Open Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

(b) If, after such preliminary investigation as it may make, the Committee determines to proceed with an inquiry into the conduct of any individual, the Committee shall notify the individual as to the fact of the inquiry and the charges against the individual and shall schedule one or more hearings on the matter. The individual shall have the right to present evidence, cross-examine witnesses, and be represented by counsel at any hearings.

(c) After the Committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions:

(1) Dismiss the complaint and take no further action.
(2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.
(3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.
(4) Refer the matter to the House for appropriate action.

RULE 29. **Notice of Standing Committee and Permanent Subcommittee Meetings and Hearings.** – Other than meetings on the list of regular meeting times of standing committees and permanent subcommittees, public notice of all standing committee and permanent subcommittee meetings shall be given in the House, or if scheduled after adjournment, by electronic mail and posting on the legislative Web site. The chair of the standing committee or permanent subcommittee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the standing committee or permanent subcommittee as to the date, time, and place of that meeting.

RULE 29.1. **Public Hearings.** – (a) Requests for a public hearing shall be made in writing to the chair of the standing committee and, if applicable, the chair of the permanent subcommittee to which the bill has been referred. The chair of the standing committee may schedule a public hearing by the standing committee as a whole after the adjournment of a regular daily House session. The chair of the permanent subcommittee may schedule a public hearing before the permanent subcommittee at its regularly scheduled hour. Denial of a request made by a House member may be appealed to the Speaker.

Notice shall be given not less than five calendar days prior to public hearings. These notices shall be issued as information for the press and shall be posted in the places designated by the Principal Clerk.

(b) Persons desiring to appear and be heard at a public hearing shall submit their requests to the chair of the standing committee or permanent subcommittee. The standing committee or permanent subcommittee chair may designate one or more members to arrange the order of appearance of interested parties. A brief written statement of testimony may be submitted without oral presentation and shall be incorporated into the minutes of the public hearing.

RULE 29.2. **Minutes to Legislative Library.** – The chair of a standing committee or a permanent subcommittee shall ensure that written minutes are compiled for each of the body's meetings. The minutes shall indicate the members present and the actions taken at the meeting. Not later than five days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. **Committee of the Whole House.** – (a) A Committee of the Whole House shall not be formed, except by leave of the House.

(b) After passage of a motion to form a Committee of the Whole House, the Speaker shall appoint a chair to preside in the committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. **Introduction of Bills and Resolutions.** – (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds for any purpose, but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Amendments to captions of bills are in order only if the amendment is germane to the bill.

Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

(e) A Substitute Bill shall be covered with the same color jacket as the original bill and shall be prefaced as follows: "House Committee Substitute for_____."

(f) House Resolutions need not be read more than twice.

(g) All memorializing, celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction and consideration in the House. The mention of a deceased person as a pretext to honor an institution or a living person is prohibited.

(h) Any reference in these rules to bills shall extend to resolutions unless the context requires otherwise.

RULE 31.1. **Deadlines on Introduction and Receipt; No Blank Bills; Ten Bill Limit; Single Subject Rule.** – (a) All local bills must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, March 16, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 30, 2011.

(b) All public bills or resolutions recommended by commissions or standing committees authorized or directed by act or resolution of the General Assembly to report to the 2011 Regular Session of the General Assembly, or to report prior to convening of that session, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, March 1, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 9, 2011; and

(c) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, March 8, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 16, 2011. A bill introduced under this subsection shall be identified as an Agency Bill after its short title or in the drafting code.

(d) All public bills which would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 and all joint resolutions and House resolutions must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Thursday, March 24, 2011, and must be introduced not later than 1:00 P.M. on Wednesday, April 6, 2011.

(e) All public bills which under Rule 38 are required to be re-referred to either or both of the Appropriations Committee or the Finance Committee, must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, April 20, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, May 4, 2011. If any bill is subject to the deadline under this subsection and the bill is amended so that all the provisions requiring referral to either or both of those committees under Rule 38 do not remain in the bill, it is not eligible for further consideration.

(f) A bill containing no substantive provisions may not be introduced in the House.

(g) No member may introduce more than 10 public bills. For the purpose of this subsection, the introducer is the member who is listed as the first sponsor. This subsection does not apply to bills or resolutions recommended by commissions or committees authorized or directed by act or resolution of the General Assembly to report to the 2011 Regular Session of the General Assembly, or to report prior to convening of that session. This subsection does not apply to joint resolutions or House resolutions.

(h) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committee under Rule 38 or adjournment resolutions must be received and read on the floor of the House as a message from the Senate no later than Thursday, May 12, 2011; provided that a message from the Senate received by the

next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule.

(i) Except by motion approved by a majority of members of the House present and voting, no public House bill other than the Current Operations Appropriations Act or the Capital Improvement Appropriations Act may contain more than one subject.

(j) This rule, other than subsections (f), (g), and (i), does not apply to bills (i) establishing districts for Congress or State or local entities, or (ii) ratifying an amendment or amendments to the Constitution of the United States. This rule does not apply to resolutions adjourning the General Assembly sine die or to a date certain.

RULE 32. **Reference to Standing Committee and to Permanent Subcommittee; Serial Referrals.** – (a) Each bill not introduced on the report of a standing committee shall immediately upon its first reading be referred by the Speaker to such standing committee, committee of the whole, or permanent subcommittee as the Speaker deems appropriate. The Speaker at the same time may order that, if the bill is reported with any favorable recommendation or without prejudice, it be re-referred automatically upon the committee report to another committee or permanent subcommittee designated in the order. Each joint resolution or House resolution not introduced on the report of a standing committee shall immediately upon its first reading either be referred by the Speaker to a standing committee or permanent subcommittee or be calendared on the date designated by the Speaker, as the Speaker deems appropriate.

(b) The standing committee chair may refer each bill referred to the standing committee to the permanent subcommittee specifically charged with the subject matter of the bill. A report of that referral shall be made in writing and submitted to the body pursuant to Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to which the bill is referred shall report the bill back to the full standing committee. That subcommittee report shall include one of the following recommendations:

(1) Favorable, without prejudice, or unfavorable as to the original bill with the recommendation that the report be made to the standing committee;

(2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee;

(3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee;

(4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;

(5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or

(6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair, and unfavorable to the original bill.

Any recommendation of favorable or without prejudice may include a recommendation of re-referral to another standing committee. After a bill is reported to a standing committee by a permanent subcommittee of that standing committee, the standing committee chair may re-refer the bill to another permanent subcommittee of that standing committee.

Upon recommendation to the standing committee, the bill shall be before that body for further action unless the permanent subcommittee chair reports the bill directly pursuant to Rule 36.

RULE 33. **Papers Addressed to the House.** – Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker. A brief statement of the contents thereof may be made orally by the introducer before reference to a committee, but such papers shall not be debated or decided on the day of their first being read unless the House shall direct otherwise.

RULE 34. **Introduction of Resolutions and Bills, Copies Required.** – (a) House Bills shall be designated as "H.B.___." (No. following). A Joint Resolution shall be designated as "H.J.R. ___." (No. following). A House Resolution shall be designated as "H.R.___." (No. following).

(b) Whenever any resolution or bill is filed for introduction, it shall be in a House bill jacket containing the number of copies designated by the Principal Clerk and in the form designated by the Speaker. Any resolution or bill not accompanied by the required number of copies shall be returned immediately to the introducer. The Clerk shall stamp the copies with the number stamped upon the original bill.

(c) No bill may be filed for introduction if the draft contains names preprinted on the bill jacket and body of the bill (either as primary sponsors or cosponsors) unless each such member has signed the jacket.

RULE 35. **Duplicating and Availability of Copies of Bills.** – (a) The Legislative Services Officer shall cause such bills as are introduced to be duplicated in such numbers as may be specified by the Speaker. Copies shall be placed in the Printed Bills Room and made available to the committees to which the bill is referred, to individual members on request, and to the general public.

(b) A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the House.

RULE 35.1. **Assessment Reports.** – (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board, as defined in Article 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House an assessment report from the Legislative Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board. Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days.

(b) Every legislative proposal introduced in the House or received in the House from the Senate, proposing the incorporation of a municipality shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the House or by any committee of the House prior to a favorable report, a recommendation from the Joint Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint Legislative Commission on Municipal Incorporations shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

RULE 36. **Report by Standing Committee or Permanent Subcommittee.** – (a) **Reports.** – Bills and resolutions may be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make. With the written approval of the chair of the standing committee and with the recommendation of the subcommittee pursuant to Rule

32(b)(4) through (6), the chair of the permanent subcommittee may report the bill directly to the floor with that recommendation. If a permanent subcommittee recommends reporting a bill to the floor and the chair of the standing committee fails to give approval, the bill shall be deemed to have been reported to the standing committee with the same recommendation as the subcommittee would have made to the House.

(b) **Favorable Report.** – When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day designated by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, but not on the same day that it is reported except by leave of the House, and no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

(1) The bill is re-referred to the Committee on Appropriations or Committee on Finance under Rule 38 or was serially referred under Rule 32; or

(2) The bill has not yet been placed on the calendar, and the Speaker refers the bill to another committee.

In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House orally in the House or in writing to the Principal Clerk. When a committee substitute is adopted and receives a favorable report by the committee or permanent subcommittee, the standing committee or permanent subcommittee chair shall submit to the standing committee or permanent subcommittee the question of an unfavorable report on the original bill. The standing committee's or permanent subcommittee's action, if any, on the original bill shall be reported at the same time the committee substitute is reported.

(c) **Report Without Prejudice.** – When a standing committee reports a bill without prejudice, the bill shall be placed on the favorable calendar in the same manner as provided in subsection (b) of this rule.

(d) **Postponed Indefinitely.** – When a standing committee reports a bill with the recommendation that it be postponed indefinitely and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(e) **Unfavorable Report.** – When a standing committee reports a bill with the recommendation that it not be passed and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(f) **Minority Report.** – When a bill is reported by a standing committee with a recommendation that it not be passed or that it be postponed indefinitely but it is accompanied by a minority report signed by at least one-fourth of the members of the standing committee who were present and voting when the bill was considered in standing committee, the question before the House shall be: "The adoption of the minority report." If the minority report is adopted by majority vote, the bill shall be placed on the favorable calendar for consideration. If the minority report fails of adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

RULE 36.1. **Fiscal Notes or Fiscal Memoranda.** – (a) The Chair or Cochair of the Appropriations Committee, of the Finance Committee, or of the Standing Committee on Rules, Calendar, and Operations of the House, upon the floor of the House, may request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of the House and that a fiscal note or fiscal memorandum be attached to the measure, which request shall be allowed when, in the opinion of the Speaker, the fiscal effects of that measure are not apparent from the language of the measure. When a request is properly made under this subsection, the bill is removed from the calendar until such time that the fiscal note or fiscal memorandum is attached to the measure.

(b) The fiscal note or fiscal memorandum shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal

note or fiscal memorandum within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Speaker, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note or fiscal memorandum will be ready.

(c) The fiscal note or fiscal memorandum shall be prepared by the Fiscal Research Division on a form approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note or fiscal memorandum shall indicate the reasons that no estimate is provided. The fiscal note or fiscal memorandum shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note or fiscal memorandum available to the membership of the House.

(d) A sponsor of a bill or amendment may deliver a copy of the bill or amendment to the Fiscal Research Division for the preparation of a fiscal note or fiscal memorandum. The sponsor shall attach the fiscal note or fiscal memorandum to the bill when filed or to the amendment when its adoption is moved.

(e) The sponsor of a bill or amendment to which a fiscal note or fiscal memorandum is attached who objects to the estimates and information provided may reduce to writing the objections. These objections shall be appended to the fiscal note or fiscal memorandum attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the Current Operations Appropriations Bill or the Capital Improvement Appropriations Bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 36.2. **Actuarial Notes.** – (a) Every bill or resolution proposing any change in the law relative to any:

(1) State, municipal, or other retirement system funded in whole or in part out of public funds; or

(2) Program of hospital, medical, disability, or related benefits provided for teachers and State employees, funded in whole or in part by State funds;

shall have attached to it at the time of its consideration by any standing committee or permanent subcommittee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee or any permanent subcommittee, shall be separate therefrom, and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on State Personnel upon its introduction in accordance with G.S. 120-111.3.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with a request for an actuarial note, to the Fiscal Research Division, which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the actuary employed by the system or program affected by the measure. Actuarial notes shall be prepared and transmitted to the sponsor of the measure not later than two weeks after the request is received, unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. The actuarial note shall be attached to the jacket of the measure. The provisions of this subsection may be waived by the measure's sponsor for a

measure affecting local government retirement or pension plans not administered by the State or any local government program of hospital, medical, disability, or related benefits for local government employees not administered by the State.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long-range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any permanent subcommittee or standing committee reports a measure to which an actuarial note is attached at the time of permanent subcommittee or standing committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, the chair of the permanent subcommittee or standing committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the House.

RULE 36.3. **Local Legislation Affecting State Highway System.** – A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 36.4. **Content of Appropriations Bills.** – No provision shall be contained in any of the following bills unless it pertains to the appropriation of money or the raising or reducing of revenue: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium. If a point of order is made against such a provision and is sustained, the presiding officer shall refer the bill to the committee from which it came, with instructions for the chair of the committee to immediately report out a substitute or amendment removing the offending provision.

RULE 37. **Removing Bill From Unfavorable Calendar.** – A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

RULE 38. **Reports on Appropriation and Revenue Bills.** – (a) All standing committees, other than the Standing Committees on Appropriations, when favorably reporting any bill or resolution which:

(1) Carries an appropriation from the State; or

(2) Requires or will require in the future substantial additional State monies from the General Fund or Highway Fund to implement its provisions shall indicate same in the report, and said bill or resolution shall be referred to the Standing Committees on Appropriations for a further report before being acted upon by the House.

(b) All standing committees, other than the Standing Committee on Finance, when favorably reporting any bill which in any way or manner raises revenue, reduces revenue, levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of bonds or notes, whether public, public-local, or private, shall indicate same in the report, and

said bill shall be referred to the Standing Committee on Finance for a further report before being acted upon by the House. This subsection shall not apply to bills only imposing fines, forfeitures, or penalties.

(c) Action on Amendment Before Re-Referral. – If any standing committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the House, must be referred to the Standing Committees on Appropriations or the Standing Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 39. **Discharge Petition.** – (a) A motion to discharge a committee from consideration of a bill may be filed with the Principal Clerk by a primary sponsor of that measure if accompanied by a petition asking that the committee be discharged from further consideration of the bill. No motion may be filed until 10 legislative days after the bill has been referred to the committee. No petition may be filed until notice has been given on the floor of the House that the petition is to be filed and the primary sponsor giving notice has obtained a fiscal note or fiscal memorandum from the Fiscal Research Division on the bill, which note or memorandum shall be attached to the petition. Members may sign the petition only in the office of the Principal Clerk, and when the signatures of 61 members appear on the petition, the Principal Clerk shall place that motion on the calendar for the next legislative day as a special order of business. Members may withdraw their names at any time until 61 names appear. If the motion is adopted by the House, then the committee to which the bill or resolution has been referred is discharged from further consideration of the bill, and that bill is placed on the calendar for the next legislative day as a special order of business. The Principal Clerk shall provide a form for discharge petitions.

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members shall be required.

RULE 39.2. **Re-Referral of Bills From One Standing Committee to Another Standing Committee.** – Upon consent of the sponsor of the bill, the Speaker, the chair of the standing committee from whom the bill is to be re-referred, and the chair of the standing committee to whom the bill is to be re-referred, the chair of the standing committee from whom the bill is to be re-referred or the Chair of the Standing Committee on Rules, Calendar, and Operations of the House may move for a re-referral to another standing committee, and the bill shall be re-referred upon vote of the majority present during a regular session of the House.

RULE 40. **Calendars and Schedules of Business.** – The Clerk of the House shall prepare a daily schedule of business, including the Calendar of Bills and Resolutions for consideration and debate that day, in accordance with the Order of Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the order in which they are introduced. All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)). Except by leave of the House, the Speaker shall not vary from the order.

RULE 41. **Reading of Bills.** – (a) Every bill shall receive three readings in the House prior to its passage. The first reading and reference to standing committee of a House bill shall occur on the next legislative day following its introduction. The first reading and reference to standing committee of a Senate bill shall occur on the next legislative day following its receipt on messages from the Senate. The Speaker shall give notice at each subsequent reading whether it is the second or third reading.

(b) No bill shall be read more than once on the same day without the concurrence of two-thirds of the members present and voting; provided, no bill governed by Section 23 of Article II of the North Carolina Constitution herein shall be read twice on one day under any circumstance.

RULE 42. **Effect of a Defeated Bill.** – (a) Subject to the provisions of subsection (b) of this rule, after a bill has:

(1) Been tabled,
(2) Been postponed indefinitely,
(3) Failed to pass on any of its readings, or
(4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the chair, that measure shall be laid upon the table, and shall not be taken therefrom except by a two-thirds vote of the members present and voting.

(b) No local bill shall be held by the chair to embody the contents of or the principal provisions of the subject matter of any statewide measure which has been laid on the table, has failed to pass on any of its readings, or has been placed on the unfavorable calendar.

RULE 43. **Amendments.** – (a) No amendment to a measure before the House shall be in order unless the amendment is germane to the measure under consideration. A House amendment deleting a previously adopted House amendment shall not be in order, except that this sentence does not apply to amendments adopted under Rule 38(c). No amendment that is clearly unconstitutional shall be in order.

Only one principal (first degree) amendment shall be pending at any one time. If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule it out of order. However, any member desiring to offer a subsequent or substitute principal amendment in opposition to the pending amendment may inform the House by way of argument against the pending amendment that if it is defeated the member proposes to offer another principal amendment, and the member may then read and explain such proposed amendment.

Perfecting (or second degree) amendments may be offered and considered without limitation as to number, and in the event of multiple perfecting amendments, they shall be voted upon in inverse order.

(b) The following rules apply when considering: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium:

(1) Amendments cannot increase total spending within a subcommittee area beyond the total for that subcommittee as shown in the committee report.
(2) Amendments can only affect appropriations within the departments, agencies, or programs within the jurisdiction of the subcommittee.
(3) Amendments cannot increase total spending beyond the total amount shown in the committee report.
(4) Amendments that cause the budget to be unbalanced are not in order.
(5) Amendments cannot spend reversions.
(6) Amendments cannot make nonrecurring reductions to fund recurring items.

RULE 43.1. **Engrossment.** – Bills and resolutions, except those making appropriations, which originate in the House and which are amended, shall be engrossed before being sent to the Senate.

RULE 43.2. **House Concurrence in Senate Amendments to House Bills.** – When the House receives a Senate amendment to a bill originating in the House, it shall be placed on the calendar in accordance with Rule 36(b).

RULE 43.3. **Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Section 23 of Article II of the North Carolina Constitution which reads:

"**Revenue bills.** – No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal."

If the committee substitute was referred to standing committee, the standing committee shall:

(1) Report the bill with the recommendation either that the House do concur or that the House do not concur; and

(2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.

(c) If the committee substitute for a bill is not a material amendment, the question before the House shall be concurrence.

(d) If the committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading, and the question before the House shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(e) No committee substitute adopted by the Senate for a bill originating in the House may be amended by the House.

RULE 44. **Conference Standing Committees.** – (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House, or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the House for a bill originating in the Senate, a conference committee may be appointed by the Speaker upon the Speaker's own motion and shall be appointed upon request by the principal sponsor of the original bill, the chair of the House standing committee which reported the bill, or the sponsor of the amendment in which the Senate refused to concur; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate. In appointing members to conference committees, the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

(b) The conference report may be made by a majority of the House members of such conference committee and shall not be amended. If the Senate has a similar rule, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. If the Senate does not have a similar rule, a conference committee report which includes significant matters that were not in difference between the houses, shall be referred to a standing committee for its recommendation before further action by the House.

(c) If the conferees fail to agree or if either house fails to adopt the report of its conferees, new conferees may be appointed.

(d) No vote shall be taken on adoption of a conference report until the next legislative day following the report, except that no vote shall be taken on adoption of a conference report on either the Current Operations Appropriations Bill or a bill generally revising the Current Operations Appropriations Act until the second legislative day following the report.

RULE 44.1. **Transmittal of Bills to Senate.** – Unless ordered by the Speaker or two-thirds vote of the members present and voting, no bill shall be sent from the House on the day of its passage, except on the last day of the session.

VII. Legislative Officers and Employees

RULE 45. **Elected Officers.** – (a) The House shall elect its Speaker from among its membership.

(b) The House shall elect its Speaker Pro Tempore from among its membership who shall perform such duties as the Speaker may assign.

(c) The House shall elect a Principal Clerk, who shall continue in office until another is elected. The Speaker may appoint a Reading Clerk and shall appoint a Sergeant-at-Arms, both of whom shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent with these rules, as the Speaker may assign. Unless directed otherwise by the Speaker on behalf of the House, the Principal Clerk or an employee designated by the Principal Clerk shall receive House bills not approved by the Governor.

RULE 46. **Assistants to Principal Clerk and Sergeant-at-Arms.** – The Principal Clerk and the Sergeant-at-Arms may appoint, with the approval of the Speaker, such assistants as may be necessary to the efficient discharge of the duties of their respective offices.

RULE 47. **Speaker's Staff; Chaplain; and Pages.** – (a) The Speaker may appoint one or more staff members to the Speaker, a Chaplain of the House, and pages to wait upon the sessions of the House.

(b) When the House is not in session, the pages shall be under the supervision of the Supervisor of Pages.

(c) The Speaker, at the request of a member, may appoint honorary pages.

RULE 48. **Member's Staff.** – (a) Each standing committee and permanent subcommittee shall have a committee assistant. The committee assistant to a standing committee or permanent subcommittee shall serve as staff to the chair of the standing committee or permanent subcommittee.

(b) Each member shall be assigned a legislative assistant, unless the member has a committee assistant to serve as legislative assistant.

(c) The selection and retention of committee assistants, legislative assistants, and office assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Principal Clerk and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of such staff shall commence not earlier than the convening date of the General Assembly and shall terminate not later than the final adjournment or recess of the General Assembly unless employment for an extended period is approved by the Speaker. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations.

RULE 49. **Compensation of Legislative Assistants.** – No clerk, committee assistant, legislative assistant, office assistant, or other person employed or appointed under Rules 46, 47, and 48 hereof shall receive during such employment, appointment, or service any compensation from any department of the State government, and there shall not be voted, paid, or awarded any additional pay, bonus, or gratuity to any of them; but they shall receive only the pay now provided by law for such duties and services. This rule shall not apply to employment, appointment, or service, or to the receipt of compensation or additional pay, bonus, or gratuity from another department of State government between regular sessions of the General Assembly.

VIII. Privileges of the Hall

RULE 50. **Admittance to Floor.** – No person except members, officers, and designated employees of the General Assembly who have been issued identification tags as provided by this rule, and former members of the General Assembly who are not registered under the provisions of Article 2 of Chapter 120C of the General Statutes, shall be allowed on the floor of the House during its session, unless permitted by the Speaker or otherwise provided by law. Employees of the General Assembly shall wear identification tags, approved by the Legislative Services Officer, when on the floor of the House.

RULE 51. **Admittance of Press.** – Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect this object, as shall not interfere with the convenience of the House. Reporters admitted to the floor of the House shall observe the same requirements of attire for members contained in Rule 12(h).

RULE 52. **Extending Courtesies.** – Courtesies of the floor, galleries, or lobby shall be extended at the discretion of the Speaker and only by the Speaker. Requests by members to extend these courtesies shall be delivered to the Speaker. No member shall orally ask the Speaker to extend these courtesies during the daily session.

RULE 53. **Order in House Chamber, Galleries, and Lobby.** – In case of any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

RULE 54. **Attendance of Members.** – No member or officer of the House shall be absent from the service of the House without leave, unless from sickness or disability.

RULE 55. **Documents to Be Signed by the Speaker.** – All acts, addresses, and resolutions and all warrants and subpoenas issued by order of the House shall be signed by the Speaker or other presiding officer.

RULE 56. **Printing or Reproducing Materials.** – There shall be no printing or reproducing of paper(s) that are not legislative in essence except upon approval of the Speaker.

RULE 57. **Placement or Circulation of Materials.** – Persons other than members of the House shall not place or cause to be placed any materials on members' desks in the House Chamber without obtaining approval of the Speaker. Any material placed on members' desks in the House Chamber, or circulated to House members anywhere in the Legislative Building or the Legislative Office Building, shall bear the name of the originator.

RULE 58. **Rules, Rescission, and Alteration.** – (a) These rules shall not be permanently rescinded or altered except by House simple resolution passed by a two-thirds vote of the members present and voting. The introducer of the resolution must on the floor of the House give notice of intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the House upon two-thirds vote of the members present and voting may temporarily suspend any rule.

RULE 59. **Cosponsorship of Bills and Resolutions.** – (a) Any member not listed as a cosponsor on the draft edition who wishes to cosponsor a bill or resolution which has been introduced may do so within 24 hours following the adjournment of the session during which such bill or resolution was first read and referred, but only electronically under procedures approved by the Principal Clerk.

(b) Members wishing to cosponsor legislation prior to preparation of the draft should indicate such to the drafter at the time the bill is requested and before filing the bill with the Principal Clerk's office. The names of the members who are the primary sponsors shall be listed in the order requested by them, followed by the words (Primary Sponsors); and the remaining names of such members cosponsoring shall follow on the draft edition and first edition. No more than four members may be listed as primary sponsors. Names of persons

cosponsoring bills thereafter under subsection (a) of this Rule do not appear on subsequent editions but shall be listed in the bill status system as cosponsors.

(c) No member shall permit anyone, other than that member's committee assistant, legislative assistant, office assistant, or another member, to have possession of and solicit for bill or resolution cosponsorship, the jacket of a bill or resolution.

RULE 60. **Correcting of Typographical Errors.** – The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions provided that such corrections are made before ratification and do not conflict with any actions or rules of the Senate and provided further that such correction be approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker, or other presiding officer.

RULE 61. **Assignment of Seats.** – After initial assignment of seats, a member shall continue to occupy the seat to which initially assigned until assigned a permanent seat; once assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of vacancy, that member's successor will occupy the seat of the member replaced for the remainder of the biennial session.

RULE 61.1. **Office Assignments.** – The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall assign to each member an office space. When available, chairs of standing committees and permanent subcommittees shall be assigned an office adjacent to the room in which the standing committee or permanent subcommittee generally meets if the Chair so desires. The Speaker shall be assigned an office of his or her choice.

RULE 61.2. **Convening and Assigning Seats in the New House.** – (a) The Principal Clerk of the previous House of Representatives shall convene the House of Representatives at 12:00 noon on the date established by law for the convening of each regular session and preside over the body until the members elect a Speaker. In the case of a vacancy, inability, or refusal to so serve, the duty shall devolve upon the Sergeant-at-Arms of the prior House, and in the case of a vacancy in that office, or inability or refusal to so serve, the duty shall devolve upon the Reading Clerk of the prior House.

(b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House of the prior House to assign temporary seats to the members of the House of Representatives in its Chamber. In the case of the inability or refusal to serve of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker of the prior House of Representatives shall appoint a person to assign seats to members of the House of Representatives in its Chamber. In the event that the party that had a majority of members in the prior House will no longer have a majority of members in the new House, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the duty of the person nominated as Speaker by the majority party caucus for the new House, or some member-elect designated by the Speaker-nominee. In the event no party will have a majority, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the joint duty of one person chosen each by the caucuses of the two parties having the greatest numbers of members.

RULE 62. **Matters Not Covered in These Rules.** – Except as herein set out, the rules of Mason's Manual of Legislative Procedure, 2010 Edition, shall govern the operation of the House. Custom and usage may supplement these rules or Mason's Manual, but may not supercede them.

SECTION 2. This resolution is effective upon adoption.

HOUSE BILL 19:
House Permanent Rules - 2011 Regular Session

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	February 1, 2011
Introduced by:	Representatives T. Moore and LaRoque	**Prepared by:**	Kory Goldsmith
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Resolution 19 establishes the Rules of the chamber for the 2011 Regular Session.***

CURRENT LAW: The House is currently functioning under House Resolution 1 - The Temporary Rules of the House of Representatives, adopted January 26, 2011.

BILL ANALYSIS: HR 19 differs from HR 1 in the following respects: (1) all references to "Temporary Rules" are now to "Permanent Rules", (2) the "Military and Homeland Security" is now "Homeland Security, Military, and Veterans Affairs" (Rule 27), and (3) Rule 58 reflects the method for amending the Permanent Rules (HR 1 had method for amending Temporary Rules).

NOTE: The phrase "leave of the House" means approval by a majority (which is often done by unanimous consent, rather than a floor vote)

House Resolution 19 is substantially similar to the Rules adopted by the House of Representatives during the 2009 Regular Session but differs in the following respects:

RULE 5 – Order of Business of the Day.
2009 Rules: Speaker can deviate from the stated order of business set out in the rules. Order of bills within each category on the calendar determined by Rules chair
2011 Rules: Leave of the House required to deviate from the stated order of business set out in the rules. Order of bills within each category on the calendar is House bills first, in numerical order.

RULE 10 – Limitations on Debate.
2009 Rules: First speech by a member may not exceed 20 minutes; second speech may not exceed 10 minutes. Speech on a minority report may not exceed 20 minutes.
2011 Rules: First speech by a member may not exceed 15 minutes; second speech may not exceed five minutes. Speech on a minority report may not exceed 10 minutes. If member yields for a question, the time spent asking and answering the question counts against the member's time allotted.

RULE 19 - Previous Question.
2009 Rules: Debate ends when vote on calling the question prevails.
2011 Rules: When vote on calling the question prevails, majority leader and minority leader can each allocate three minutes of debate on the question at hand prior to the vote being taken. Minority leader and majority leader may each designate a person to act in their absence.

RULE 24.1A – Excuse From Deliberations and Voting on a Bill.
2009 Rules: If a member is being excused from voting, member may make an oral statement of the reasons. If a member is excused from voting on a bill, member may not participate further in any way on the bill.

2011 Rules: In addition to written statement, if required by the State Government Ethics Act, member shall make an oral statement of the reasons for recusal. Member excused from participating in a bill may participate on an amendment to the bill if the member does not have any conflict on that amendment.

RULE 26 – Standing Committees and Permanent Subcommittees Generally.
2009 Rules: Speaker appoints members of all committees and standing committees in a manner to reflect the partisan makeup of the House. Rule 26(h) set out quorum requirements, allowing either majority of the committee OR the chair or acting chair plus five members to be a quorum.
2011 Rules: The Ethics Committee shall have an equal number of members of each party. Rule 26(g) provides that if the quorum is not a majority, but the chair or acting chair plus five members, then at least one member of the minority party must be present.

RULE 27 – List of Standing Committees and Permanent Subcommittees.
2009 Rules: Sets out list of standing committees and permanent subcommittees.
2011 Rules: Rewrites list of committees. Net effect: Total number of standing committees decreased from 36 to 18. Number of standing subcommittees increased from 10 to 14.

RULE 28 – Standing Committee and Permanent Subcommittee Meetings.
2009 Rules: Provides numerous rules about committee procedure. No specific provisions about waiver of violations. Rule 28(g) required notice of interim committee meetings to be by US mail to members, except member may request certified mail.
2011 Rules: Any committee action in violation of Rule 28 is voidable UNLESS taken by unanimous consent at a meeting at which a majority of committee members are present including at least one minority party member present. Rule 28(g) requires notice of interim committee meetings to be by email to members, except member may request US mail.

RULE 29 – Notice of Standing Committee and Permanent Subcommittee Meetings and Hearings.
2009 Rules: Public notice of all standing committee and permanent subcommittee meetings must be given in the House
2011 Rules: If the meeting is scheduled after adjournment, notice to be given by electronic mail and by posting on the legislative website.

RULE 29.2 – Minutes to Legislative Library.
2009 Rules: Committee chairs must deliver committee minutes to legislative library within 20 days of adjournment of the session.
2011 Rules: Committee chairs must deliver committee minutes to legislative library within five days of adjournment of the session.

RULE 30 – Committee of the Whole House.
2009 Rules: To go into committee of the whole requires suspension of the rules.
2011 Rules: To go into committee of the whole requires leave of the House.

RULE 31 – Introduction of Bills and Resolutions.
2009 Rules: Rule 31(d) provided that the title of a public bill could only be amended in committee, thereby precluding amending the title on the floor.
2011 Rules: Titles of public bills may be amended on the floor, but the amendment must be germane to the bill.

RULE 31.1 – Deadlines on Introduction and Receipt; No Blank Bills; Ten Bill Limit; Single Subject Rule.
2009 Rules: Prohibits certain types of resolutions "except those honoring the memory of deceased persons." Did not specify whether joint resolutions and House resolutions were subject to filing deadlines. No limit on the number of bills a member could file.
2011 Rules: Adds language "The mention of a deceased person as a pretext to honor an institution or living person is prohibited." House resolutions and joint resolutions (other than for adjournment) are subject to the same filing deadline as substantive public bills. Member may file only 10 public bills, except bills recommended by a study committee are not included in the cap.

RULE 32 – Reference to Standing Committee and to Permanent Subcommittee; Serial Referrals.
2009 Rules: Upon first reading, the Speaker refers a bill to standing committee or standing subcommittee.
2011 Rules: Allows the Speaker to refer a bill to Committee of the Whole.

RULE 34 – Introduction of Resolutions and Bills, Copies Required.
2009 Rules: When bill filed, sponsor must provide duplicate which Principal Clerk shall keep to be available to the sponsor at all times.
2011 Rules: Requirement eliminated.

RULE 35 – Duplicating and Availability of Copies of Bills.
2009 Rules: Legislative Services Office required to provide a copy of each public bill to each member to be placed in member's notebook on desk in Chamber. Staff required to provide second copy if member also had bill book in office.
2011 Rules: Distribution requirements eliminated. Bills will still be printed and placed in Printed Bills Room. Members may request copies of bills.

RULE 36 – Report by Standing Committee or Permanent Subcommittee.
2009 Rules: All House bills must be acted on by committee prior to sine die adjournment unless sponsor requests otherwise. Rules chair could set order of business for floor.
2011 Rules: Requirement of committee action eliminated as is provision allowing Rules Chair to set the order of business for the floor.

RULE 36.1 – Fiscal Notes or Fiscal Memoranda.
2009 Rules: Fiscal note required in certain circumstances before floor vote can be taken.
2011 Rules: Allows fiscal memoranda to satisfy this requirement.

RULE 36.2 – Actuarial Notes.
2009 Rules: Pension and retirement bills must go through Pensions and Retirement Committee.
2011 Rules: Pension and retirement bills must go through State Personnel Committee. HB 6 - House Pensions Committee Duties, would amend Article 14A of Chapter 120 to reflect this change.

RULE 36.4 – Content of Appropriations Bills.
2009 Rules: Substantive legislation prohibited from being included in the budget bill. No enforcement mechanism provided other than point of order against the entire bill.

2011 Rules: If a point of order is sustained, the presiding officer shall refer the bill back to committee with instructions to remove the offending provisions, the chair is to report out a committee substitute or amendment deleting the provision(s) that violate the rules.

RULE 39 – Discharge Petitions.
2009 Rules: Rules 39 and 39.1 provided that motion could be made to recall a bill from committee after 10 legislative days and with a 3/5 vote.
2011 Rules: Discharge Petition replaces Recall provisions. After 10 legislative days from referral of bill to a committee, a primary sponsor may file a motion to discharge a committee from consideration of the bill. Before filing the petition with the House Principal Clerk, the member must obtain a Fiscal Note or Fiscal memorandum and must give notice on the floor. Members may sign petition only in the Clerk's office and may withdraw their signature until 61 names appear. Once 61 names appear on the petition, the Principal Clerk must place the motion to discharge on the calendar for next legislative day as a special order of business. If the motion prevails, the bill is placed on the calendar for the next legislative day.

RULE 41 – Reading of Bills.
2009 Rules: Requires readings on separate days on second and third readings (so called "roll-call bills') of bills covered by Article II section 23 of Constitution (Tax and bond bills – required by constitution) AND bills affecting fees.
2011 Rules: Eliminates second category of roll-call bills required only by rule. Conforming change is also made in Rule 20.

RULE 43 – Amendments.
2009 Rules: If the Senate adopted a non-germane amendment to a House bill, the House may refuse to receive the bill if the Senate had the same rule. Rule 43(b) set out six types of amendments to appropriations bills that would not be in order. One of the provisions [(b)(3)] read: "Amendments cannot increase total spending, from any source, beyond the total amount shown in the committee report."
2011 Rules: Provision related to non-germane Senate amendments is removed. The clause "from any source" is removed from (b)(3).

RULE 44 – Conference Standing Committees.
2009 Rules: Only such matters as are in difference between the two houses may be considered by a conference committee. Conference report may not be voted on until next legislative day after it is submitted.
2011 Rules: If the Senate does not limit conferees to consideration of "only matters in difference," then a conference report that "includes significant matters that were not in difference" may be submitted, but will be referred to a standing committee for its recommendations on adoption. The 2011 Senate Permanent rules only require that matters added in conference be germane to the bill. Conference report may not be voted on until next legislative day after it is submitted, except that conference report on the budget in either year of the biennium may not be voted on until the second legislative day after it is submitted.

RULE 59 – Cosponsorship of Bills and Resolutions.
2009 Rules: Member may be added as a cosponsor (i) if name appears on draft addition as cosponsor; (ii) by signing bill jacket no later than thirty minutes after adjournment of the House the day the bill is

read the first time, or (iii) electronically up to one hour after adjournment of the house the day the bill is read the first time. All the names appeared on the first edition of the bill and in bill status system.
2011 Rules: Member may be added as a cosponsor (i) if name appears on draft addition as cosponsor, or (ii) electronically up to 24 hours after adjournment of the House the day the bill is read the first time. Only names that appear on draft edition as cosponsor will appear on the first edition of the bill, names of cosponsors electronically will appear in the bill status system as cosponsors.

RULE 62 – Matters Not Covered in These Rules.
2009 Rules: Specifies that Mason's manual is to be used for matters not provided in the rules.
2011 Rules: Specifies 2010 edition of Mason's Manual. Clarifies that custom and usage may supplement rules of Mason's Manual, but may not supercede them.

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

Gerry Cohen, Director of the Bill Drafting Division, substantially contributed to this summary.

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EXPLANATION OF DRAFT HOUSE TEMPORARY RULES

Prepared by Gerry Cohen, Director of Legislative Drafting

January 25, 2011

The explanation below outlines the change between the 2009 permanent House Rules and Draft 2011 Rules DRHR30022-LB-5T, proposed temporary rules. Omitted from this explanation are: (i) simple changes of date from 2009 to 2011; (ii) relettering and renumbering of subdivisions; and (iii) typographical and grammatical corrections. Analysis is in order of Rule number. Short explanations are included if helpful.

NOTE: The phrase "leave of the House" means approval by a majority (which is often done by unanimous consent, rather than a floor vote)

RULE 4:

2009 Rules: Rules Committee examines the previous day's journal before a motion is made to approve it.

2011 Rules: Chair of the Rules Committee examines the previous day's journal before a motion is made to approve it.

EXPLANATION: brings rule in conformance with practice.

RULE 5:

2009 Rules: Speaker can deviate from the stated order of business set out in the rules.

2011 Rules: Leave of the House required to deviate from the stated order of business set out in the rules.

RULE 5:

2009 Rules: Order of bills within each category on the calendar determined by Rules chair

2011 Rules: Order of bills within each category on the calendar is House bills first, in numerical order.

EXPLANATION: Makes House and Senate Rules the same on this point. Conforming changes are also found in Rules 36(b) and 40

RULE 5:

2009 Rules: Rules did not provide for order on calendar for House resolutions and conference reports

2011 Rules: House resolutions for adoption first on calendar. Conference reports on adoption second on calendar.

EXPLANATION: Follows longstanding practice of the House.

RULE 6:

2009 Rules: Speaker has general direction of the Hall of the House (the Chamber)

2011 Rules: Speaker has general direction of the Hall of the House (the Chamber) subject to more specific provisions of the rules

EXPLANATION: Clarifies that specific provisions of the rules control over the Speaker's general powers

RULE 6:

2009 Rules: If Speaker is absent and has not designated a member to preside, the Principal Clerk presides.

2011 Rules: If Speaker is absent and has not designated a member to preside, the Speaker Pro Tempore presides.

EXPLANATION: Restores Rule to what was provided pre-2003.

RULE 9:

2009 Rules: In order to overturn a ruling of the Speaker on a point of order, two-thirds of the members present must agree.

2011 Rules: In order to overturn a ruling of the Speaker on a point of order, three-fifths of the members present must agree.

RULE 10:

2009 Rules: First speech by a member may not exceed 20 minutes, second speech may not exceed 10 minutes. Speech on a minority report may not exceed 20 minutes.

2011 Rules: First speech by a member may not exceed 15 minutes, second speech may not exceed five minutes. Speech on a minority report may not exceed 10 minutes.

RULE 10:

2009 Rules: No specific provision

2011 Rules: If member yields for a question, the time spent asking and answering the question counts against the member's time allotted.

EXPLANATION: 2011 Rules set out what is provided in Mason's Manual and already applies, but setting it out specifically raises awareness.

RULE 12:

2009 Rules: Rule 12(f) prohibits smoking on the floor and in the gallery.

2011 Rules: Prohibition deleted.

EXPLANATION: State law prohibits smoking at any place within the Legislative Building.

RULE 12:

2009 Rules: Rule 12(j) allows the Speaker authority to approve placards, stickers, and signs on the floor.

2011 Rules: Speaker's authority to waive the rule is removed.

RULE 18:

2009 Rules: To reconsider election of Speaker or Speaker Pro-Tem requires suspension of the rules (two-thirds vote).

2011 Rules: To reconsider election of Speaker or Speaker Pro-Tem requires three-fifths vote

EXPLANATION: Note that reconsideration of election of an officer can only take place prior to that officer taking the oath of office. Mason's Manual requires vote of a majority of ALL the members to REMOVE an officer.

RULE 19:

2009 Rules: Debate ends when vote on calling the question prevails.

2011 Rules: When vote on calling the question prevails, majority leader and minority leader can each allocate three minutes of debate on the question at hand prior to the vote being taken. Minority leader and majority leader may each designate a person to act in their absence.

RULE 20:

EXPLANATION: Conforming change made due to change in Rule 41.

RULE 24:

2009 Rules: No provision

2011 Rules: A member may not change that member's vote without leave of the House, but such leave may not be granted if it changes the result of the vote (e.g. whether the question passes or fails)

RULE 24.1A:

2009 Rules: If a member is being excused from voting, member may make an oral statement of the reasons.

2011 Rules: In addition, if required by the State Government Ethics Act, member shall make an oral statement of the reasons.

RULE 24.1A:

2009 Rules: If a member is excused from voting on a bill, member may not participate further in any way on the bill.

2011 Rules: Member excused from participating in a bill may participate on an amendment to the bill if the member does not have any conflict on that amendment.

RULE 26:

2009 Rules: Speaker appoints members of all committees and standing committees in a manner to reflect the partisan makeup of the House.

2011 Rules: Makes an exception for the Ethics Committee which shall have an equal number of members of each party.

RULE 26:

2009 Rules: Before appointing members, Speaker shall consult with minority leader. The Speaker shall consider members' committee preferences.

2009 Rules: Before appointing members, Speaker shall consult with minority leader. The Speaker in making appointments to committees shall consider members' committee preferences. Minority leader in making recommendations shall consider members' committee preferences.

RULE 26:

2009 Rules: Rule 26(h) sets out quorum requirements, allowing either majority of the committee OR the chair or acting chair plus five members to be a quorum

2011 Rules: If the quorum is not a majority but a lesser amount of the chair or acting chair plus five members, then at least one member of the minority party must be present

RULE 27:

2009 Rules: Sets out list of standing committees and permanent subcommittees.

2011 Rules: Rewrites list of committees. Net effect: Total number of standing committees decreased from 36 to 18. Number of standing subcommittees increased from 10 to 14.

RULE 28:

2009 Rules: Provides numerous rules about committee procedure. No specific provisions about waiver of violations.

2011 Rules: Any committee action in violation of Rule 28 is voidable UNLESS taken by unanimous consent at a meeting at which a majority of committee members are present including at least one minority party member present.

RULE 28:

2009 Rules: Rule 28(g) requires notice of interim committee meetings to be by US mail to members, except member may request certified mail.

2011 Rules: Rule 28(g) requires notice of interim committee meetings to be by email to members, except member may request US mail.

RULE 29:

2009 Rules: Public notice of all standing committee and permanent subcommittee meetings must be given in the House

2011 Rules: If the meeting is scheduled after adjournment, notice to be given by electronic mail and by posting on the legislative website. No notice will be required of meetings on the list of regularly scheduled standing committee meetings.

EXPLANATION: Conforms to practice.

RULE 29.2:

2009 Rules: Committee chairs must deliver committee minutes to legislative library within 20 days of adjournment of the session.

2011 Rules: Committee chairs must deliver committee minutes to legislative library within five days of adjournment of the session.

RULE 30:

2009 Rules: To go into committee of the whole requires suspension of the rules

2011 Rules: To go into committee of the whole requires leave of the House.

RULE 30:

2009 Rules: Committee of the whole called "Standing Committee of the Whole"

2011 Rules: Deletes the word "Standing"

EXPLANATION: Restores pre-1989 name of committee.

RULE 31:

2009 Rules: Rule 31(d) provided that the title of a public bill may not be amended on the floor.

2011 Rules: Titles of public bills may be amended on the floor, but the amendment must be germane to the bill.

EXPLANATION: Removes language added to the rules in 1987.

RULE 31:

2009 Rules: Prohibits certain types of resolutions "except those honoring the memory of deceased persons".

2011 Rules: Adds language "The mention of a deceased person as a pretext to honor an institution or living person is prohibited."

RULE 31.1:

2009 Rules: Set out various deadlines for bill filings and crossover. 2009 session convened January 28, 2011 session convenes January 26.

2011 Rules: Moves all deadlines two days earlier to reflect session convening two days earlier. Restores deadlines for bills requested by state agencies (agency bills) and deadlines for bills recommended by study commissions, which had been deleted in 2009 but which had appeared for 20 years prior to 2009. Corrects error in 2009 public bill deadline which had been a Thursday rather than a Wednesday.

Deadlines will be as follows:

CROSSOVER: Thursday May 12

	REQUEST TO STAFF	FILING
Studies:	Tuesday, March 1	Wednesday, March 9
Agency:	Tuesday, March 8	Wednesday, March 16
Local:	Wednesday, March 16	Wednesday, March 30
Public:	Thursday, March 24	Wednesday, April 6
Tax and Appropriations:	Wednesday, April 20	Wednesday, May 4

RULE 31.1:

2009 Rules: Did not specify whether joint resolutions and House resolutions were subject to filing deadlines

2011 Rules: House resolutions and joint resolutions (other than for adjournment) are subject to the same filing deadline as substantive public bills

RULE 31.1:

2009 Rules: No limit on the number of bills a member may file

2011 Rules: Member may file only 10 public bills, except that bills (those requested to be introduced by a study commission) are not included in the cap. Same as rule from 1995 and 1997 sessions.

RULE 32:

2009 Rules: Upon first reading Speaker refers to standing committee or standing subcommittee.

2011 Rules: Also allows Speaker to refer bill to Committee of the Whole.

RULE 34:

2009 Rules: When bill filed, sponsor must provide duplicate which Principal Clerk shall keep to be available to the sponsor at all times.

2011 Rules: Requirement eliminated.

EXPLANATION: This rule has been superfluous since computerized bill production began in 1967 and multiple copies could be printed.

RULE 35:

2009 Rules: Legislative Service office required to provide a copy of each public bill to each member for LA to place in notebook on member's desk in Chamber. Staff required to provide second copy if member also had bill book in office.

2011 Rules: requirements eliminated. Bills will still be printed for the printed bill room. Members will still get copy(ies) of bills upon request.

RULE 36:

2009 Rules: All House bills must be acted on by committee prior to sine die adjournment unless sponsor requests otherwise.

2011 Rules: Requirement of committee action eliminated.

EXPLANATION: This rule has been suspended at the end of each session the last 10 or more years.

RULE 36:

2009 Rules: Rules chair could set order of business for floor.

2011 Rules: Deleted.

EXPLANATION: Conforming change to changes in Rules 5 and 40.

RULE 36.1:

2009 Rules: Fiscal note required in certain circumstances before floor vote can be taken.

2011 Rules: Allows fiscal memoranda (a less comprehensive document from Fiscal Research Division) to satisfy this requirement.

RULE 36.2:

2009 Rules: Pension and retirement bills must go through Pensions and Retirement Committee.

2009 Rules: Pension and retirement bills must go through State Personnel Committee.

EXPLANATION: Conforming change to G.S. 120-111.3 should be made. That statute mentioned the old committee. House has right to make its own rules of procedure.

RULE 36.4:

2009 Rules: Substantive legislation prohibited from being included in the budget bill. No enforcement mechanism provided other than point of order against the entire bill.

2011 Rules: If a point of order is sustained, the presiding officer to refer the bill back to committee with instructions to remove the offending provisions, the chair is to report out a committee substitute or amendment deleting the provision(s) that violate the rules. As with congressional precedent, no committee meeting will be held, the chair will report the corrective documents.

RULE 39:

2009 Rules: Provided that motion could be made to recall a bill from committee after 10 legislative days and with a 3/5 vote.

2011 Rules: Recall provision deleted, Discharge Petition (similar to the provision in the 1995 Rules) added to replace it. A primary sponsor of the bill after 10 legislative days from referral of bill to committee gives notice on the floor, gets fiscal note or fiscal memorandum on bill, and files petition in Principal Clerk's office. Members may sign petition only in the Clerk:s office and may withdraw their signature until 61 names appear. Once 61 names appear, Principal Clerk places motion to discharge on agenda for next legislative day as a special order of business. If motion prevails, the bill is placed on the calendar for the next legislative day.

RULE 39.1:

2009 Rules: Procedure for discharge of a bill from standing subcommittee.

2011 Rules: Rule 39.1 repealed. Rule 39 discharge petition will cover.

RULE 40:

2009 Rules: Bills appear on calendar in order placed by Rules Committee chair.

2011 Rules: Refers to Rule 5 (see above). Bills will be in numerical order House bills first within each category (like Senate), leave of House required to deviate. This is conforming change to those found in Rules 5 and 36(b).

RULE 41:

2009 Rules: Requires readings on separate days on second and third readings (so called "roll-call bills') of bills covered by Article II section 23 of Constitution (Tax and bond bills – required by constitution) AND bills affecting fees.

2011 Rules: Eliminates second category of roll-call bills required only by rule. Conforming change is also made in Rule 20.

EXPLANATION: Will make House and Senate rules identical on this point.

RULE 43:

2009 Rules: If the Senate adopts a non-germane amendment to a House bill, the House may refuse to receive the bill if the Senate has the same rule.

2011 Rules: Provision deleted.

RULE 43:

2009 Rules: Had six types of amendments that were not in order on appropriations bills.

2011 Rules: Clause "from any source" deleted from subdivision (b)(3).

RULE 44:

2009 Rules: Only such matters as are in difference between the two houses may be considered by a conference committee.

2011 Rules: 2011 House rule would require that if Senate did not have an "only matters in difference" rule, the conference report after submission will be referred to a standing committee for its recommendations on adoption if it "includes significant matters that were not in difference". The 2009 Senate rules only required that matters added in conference be germane to the bill, so it did NOT have a

similar rule. 2011 House Rule would provide that if the Senate has a rule requiring conferees to only consider matters in difference, the same would apply to the House.

EXPLANATION: Insignificant matters that are not in difference might include effective dates, citations, etc.

RULE 44:

2009 Rules: Conference report may not be voted on until next legislative day after it is submitted.

2011 Rules: Conference report may not be voted on until next legislative day after it is submitted, except that conference report on the budget in either year of the biennium may not be voted on until the second legislative day after it is submitted.

RULE 52:

2009 Rules: Requests by members to extend courtesies of the gallery shall be typewritten and delivered to the Speaker.

2011 Rules: Eliminates requirement that request must be typewritten.

RULE 58:

2009 Rules: Permanent rules may not be permanently amended except by resolution passed by 2/3 vote. Temporary suspension by 2/3 vote.

2011 Rules: These are temporary rules, to remain in effect until permanent rules adopted by resolution with majority vote. Temporary suspension by 2/3 vote.

RULE 59:

2009 Rules: Member may be added as a cosponsor (i) if name appears on draft addition as cosponsor; (ii) by signing bill jacket no later than thirty minutes after adjournment of the house the day the bill is read the first time, or (iii) electronically up to one hour after adjournment of the house the day the bill is read the first time. All those names appear on the first edition of the bill and in bill status system.

2011 Rules: Member may be added as a cosponsor (i) if name appears on draft addition as cosponsor , or (ii) electronically up to 24 hours after adjournment of the house the day the bill is read the first time. Only names that appear on draft edition as cosponsor will appear on the first edition of the bill, names of members cosponsoring electronically will appear in the bill status system as cosponsors.

RULE 62:

2009 Rules: Specifies that Mason's manual is to be used for matters not provided in the rules.

2011 Rules: Specifies 2010 edition of Mason's Manual. Clarifies that custom and usage may supplement rules of Mason's Manual, but may not supercede them.

HOUSE PAGES

NAME OF COMMITTEE Rules DATE 2/1/11

1. Name: Traci Leak
   County: Rowan
   Sponsor: Warren H.
2. Name: Erin Vasko
   County: Gaston
   Sponsor: Torbett
3. Name:
   County:
   Sponsor:
4. Name:
   County:
   Sponsor:
5. Name:
   County:
   Sponsor:

SGT-AT-ARM

1. Name: Martha Gadeson
2. Name: Fred Hines
3. Name: Champ Claris
4. Name:

VISITOR REGISTRATION SHEET

Rules — 2/1/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tommy Robertson	TWC
[illegible]	[illegible]
Kellie Sloppy	JLF
Becki Gray	JLF
[illegible]	Misc
Doug Lassiter	NCSTA
Barbara S Conaster	Bcoe
John McAlister	NC Chamber
[illegible] Rogers	CWMTF
[illegible]	A. Chiropractic
Andy Ellen	NCPA

VISITOR REGISTRATION SHEET

Rules — 2/1/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	Inform
Suzanne Beasley	SEANC
Sara Riggins	NCFPC
Brittany Farrell	NCFPC
[signature]	[illegible]
John Bowdish	AstraZeneca
[signature]	[illegible]
[signature]	NCAJ
JOHN GOODMAN	NC CHAMBER
[signature]	SEANC
[signature]	[illegible]

VISITOR REGISTRATION SHEET

Rules — 2-1-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Evelyn Hoard Moore	CFGR
Jeff Nelson	AFP
Hilda Pharr	NCRMA
Gary Robertson	AP
Jack Cozort	

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
February 2, 2011

The Committee on Rules, Calendar and Operations of the house met on February 2, 2011 at 1:05 pm in Room 1228 of the Legislative Building. The following members were present, Representative LaRoque Chair, Representative T. Moore Chair, Representative Owens Vice Chair, Representative Rhyne Vice Chair, Representatives Alexander, Brown, Crawford, Daughtry, Faison, Farmer-Butterfield, Folwell, Hackney, Hill, Hilton, Jeffus, Luebke, McComas, Samuelson, Stam, Stone.

Rep LaRoque recognized the Pages, and Sergeant-at-Arms

The following bill was considered:

HB 19-A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2011 REGULAR SESSION.(Representatives Moore and LaRoque, Primary Sponsors) Permanent Rules bill opened for discussion. Gerry Cohen from Staff reviewed the changes. Discussion and debate on the bill.

No vote was made on the bill.

Meeting Adjourned at 1:45.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rule Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, February 2, 2011
TIME: 1:00 PM
LOCATION: 1228 LB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 19	Permanent House Rules.	Representative Moore Representative LaRoque

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **16** o'clock on **February 01, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION DRHR30046-LB-96 (10/28)

Sponsors: Representatives T. Moore and LaRoque (Primary Sponsors).

Referred to:

A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2011 REGULAR SESSION.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Session of the House of Representatives of the 2011 General Assembly are:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE REGULAR SESSION OF THE 2011 GENERAL ASSEMBLY OF NORTH CAROLINA

I. Order of Business, 1-5
II. Conduct of Debate, 6-12
III. Motions, 13-19
IV. Voting, 20-25
V. Committees, 26-30
VI. Handling of Bills, 31-44.1
VII. Legislative Officers and Employees, 45-49
VIII. Privileges of the Hall, 50-53
IX. General Rules, 54-62

I. Order of Business

RULE 1. **Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2011, no sessions may be held on Friday. Without leave of the House, no session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No session shall be held on Sunday.

RULE 1.1. **Emergencies.** In the event of a disaster, natural or otherwise, that precludes the General Assembly from meeting in the Legislative Building, the members will be notified by the Speaker where and when the House will convene.

RULE 2. **Opening the Session.** – At the convening hour on each legislative day, the Speaker shall call the members to order and shall have the session opened with prayer. At the convening hour on the first day of each legislative week, the Speaker, or the Speaker's designee, shall lead the members in the Pledge of Allegiance to the American Flag.

RULE 3. **Quorum.** – (a) A quorum consists of a majority of the qualified members of the House.

(b) Should the point of a quorum be raised, the doors shall be closed, and the Clerk shall call the roll of the House, after which the names of those not responding shall again be called. In the absence of a quorum, 15 members are authorized to compel the attendance of

absent members and may order that absentees for whom no sufficient excuses are made be taken into custody wherever they may be found by special messenger appointed for that purpose.

RULE 4. **Approval of Journal.** – (a) The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall cause the Journal of the House to be examined daily before the hour of convening to determine if the proceedings of the previous day have been correctly recorded.

(b) Immediately following the opening prayer and upon appearance of a quorum, the Speaker shall call for the Journal report by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, or by a Representative designated by the Chair, as to whether the proceedings of the previous day have been correctly recorded. Without objection, the Speaker shall cause the Journal to stand approved.

RULE 5. **Order of Business of the Day.** – After the approval of the Journal of the preceding day, except by leave of the House, the House shall proceed to business in the following order:

(1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
(1a) Messages from the Governor;
(2) Ratification of bills;
(3) Reports of standing committees and permanent subcommittees;
(4) Reports of select committees;
(5) Reports of referral by standing committee Chairs of bills to permanent subcommittees;
(6) First reading and reference to committee of bills and resolutions;
(7) Messages from the Senate;
(8) Concurrence with Senate amendments or Senate committee substitutes;
(9) The unfinished business of the preceding day;
(10) Calendar (each category in accordance with Rule 40 – House bills first):
  a. Resolutions for adoption
  b. Conference reports for adoption
  c. Local bills (roll call), third reading
  d. Local bills (roll call), second reading
  e. Local bills, third reading
  f. Local bills, second reading
  g. Public bills (roll call), third reading
  h. Public bills (roll call), second reading
  i. Public bills and resolutions, third reading
  j. Public bills and resolutions, second reading;
(11) Reading of notices and announcements.

II. Conduct of Debate

RULE 6. **Duties and Powers of the Speaker.** – The Speaker shall have general direction of the Hall, subject to more specific provisions of these rules. The Speaker may name any member to perform the duties of the chair, but substitution shall not extend beyond one day, except in the case of sickness or by leave of the House. If the Speaker is absent and has not designated a member to perform the duties of the chair, the Speaker Pro Tempore shall preside during such absence. In the case of a vacancy in the office of the Speaker of the House of Representatives, the Principal Clerk shall preside over the House until the House elects a Speaker.

RULE 7. **Obtaining Floor.** – (a) When any member desires recognition for any purpose, the member shall rise and respectfully address the Speaker. No member shall proceed until recognized by the Speaker for a purpose.

(b) When a member desires to interrupt a member having the floor, the member shall first obtain recognition by the Speaker and permission of the member occupying the floor, and when such recognition and permission have been obtained, he or she may propound a question to the member occupying the floor; but he or she shall not otherwise interrupt the member having the floor, except as provided in subsection (c) of this rule; and the Speaker shall, without the point of order being raised, enforce this rule.

(c) A member who has obtained the floor may be interrupted only for the following reasons:

(1) A request that the member speaking yield for a question,

(2) A point of order,

(3) A parliamentary inquiry, or

(4) A question of privilege.

RULE 8. **Questions of Privilege.** – Upon recognition by the Speaker for that purpose, any member may speak to a question of privilege for a time not to exceed three minutes. Questions of privilege shall be those affecting, first, the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence over all other questions, except motions to adjourn. Privilege may not be used to explain a vote or debate a bill. The Speaker shall determine if the question is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 9. **Points of Order.** – (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A three-fifths vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated, except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from the ruling of the chair and the decision by a three-fifths vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House, requires it, the member shall be liable to censure by the House.

RULE 10. **Limitations on Debate.** – (a) No member shall speak on, debate, or solicit cosponsors for a bill or resolution at its first reading.

(b) No member shall speak more than twice on the main question nor longer than 15 minutes for the first speech and five minutes for the second speech; nor shall the member speak more than twice upon an amendment or motion to reconsider, re-refer, appeal, or postpone or any motion on concurrence, and then not longer than 10 minutes for the first speech and five minutes for the second speech.

(c) A member may speak only once and for not more than 10 minutes on the question of the adoption of a minority report.

(d) In computing the time allowed for argument, the time consumed in asking and answering questions should be considered. If a member consents to the question, the time consumed by the interruption is taken out of any time allowed that member.

(e) The House, by consent of a majority of the members present, may suspend the operation of subsections (b) through (d) of this rule during any debate on any particular question before the House.

RULE 11. **Reading of Papers.** – When there is a call for the reading of the text of a paper which has been presented to the House and there is objection to such reading, the question shall be determined by a majority vote of the members of the House present. Except for protests permitted by the Constitution, no member may have material printed in the Journal

until said material has been presented to the House and the printing approved by the House, and said material shall not exceed 1,000 words.

RULE 12. **General Decorum.** – (a) The Speaker shall preserve order and decorum.

(b) Decency of speech shall be observed and disrespect to personalities carefully avoided.

(c) When the Speaker is putting any question, or addressing the House, no person shall speak, stand up, walk out of, or cross the House nor, when a member is speaking, engage in disruptive discourse or pass between the member and the chair.

(d) Food or beverages shall not be permitted on the floor of the House during the first two hours of the daily session.

(e) The reading of newspapers shall not be permitted on the floor of the House while the House is in session.

(f) The consumption of food or beverages shall not be permitted in the galleries at any time.

(g) Special recitals and performances by musicians or other groups shall not be permitted on the floor of the House; and special guests of members of the House shall not be permitted on the floor of the House.

(h) Members shall observe appropriate attire, coat and tie for male members and dignified dress for female members.

(i) The use of wireless telephones shall not be permitted in the House Chamber.

(j) Placards, stickers, or signs are not permitted in the House Chamber.

III. Motions

RULE 13. **Motions Generally.** – (a) Every motion shall be reduced to writing if the Speaker or any two members request it. No motion relating to a bill shall be in order which does not identify the bill by its number and short title.

(b) When a motion is made, it shall be stated by the Speaker, or, if written, it shall be handed to the chair and read aloud by the Speaker or Clerk before debate.

(c) After a motion has been stated by the Speaker or read by the Speaker or Clerk, it shall be in the possession of the House; but it may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be in possession of the House and shall not be withdrawn without leave of the House.

RULE 14. **Motions, Order of Precedence.** – When there are motions before the House, the order of precedence is as follows:

To adjourn.
To recess.
To lay on the table.
Previous question.
To postpone indefinitely.
To reconsider.
To postpone to a day certain.
To re-refer.
To amend an amendment.
To amend.
To pass the bill.

No motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to re-refer, or to make a particular amendment, being decided, shall be again allowed at the same stage of the bill or proposition.

RULE 15. **Motion to Adjourn.** – (a) A motion to adjourn shall be seconded before the motion is put to the vote of the House.

(b) A motion to adjourn shall be decided without debate and shall always be in order, except when the House is voting or some member is speaking; but a motion to adjourn

shall not follow a motion to adjourn until debate or some other business of the House has intervened.

RULE 16. **Motion to Table.** – (a) A motion to table shall be seconded before the motion is put to the vote of the House and is in order except when a motion to adjourn or to recess is before the House.

(b) A motion to table shall be decided without debate.

(c) A motion to table a bill shall constitute a motion to table the bill and all amendments thereto.

(d) When the question before the House is the adoption of an amendment to a bill or resolution, a motion to table the bill is not in order; and a motion to table an amendment applies to the amendment only, and the motion may not expressly or by implication or construction be expanded to include a motion to table the bill also.

(e) When a question has been tabled, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to remove from the table approved by a two-thirds vote.

RULE 17. **Motion to Postpone Indefinitely.** – A motion to postpone indefinitely is in order except when a motion to adjourn or to lay on the table or for the previous question or to recess is before the House. However, after one motion to postpone indefinitely has been decided, another motion to postpone indefinitely shall not be allowed at the same stage of the bill or proposition. When a question has been postponed indefinitely, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to place on the favorable calendar approved by a two-thirds vote.

RULE 18. **Motion to Reconsider.** – (a) When a question has been decided, it is in order for any member to move for the reconsideration thereof on the same or the succeeding legislative day; provided that if the vote by which the motion was originally decided was taken by a recorded vote, only a member of the prevailing side may move for reconsideration.

(b) A motion to reconsider shall be determined by a majority vote, except the following shall require a two-thirds vote: a second or subsequent motion to reconsider and a motion to reconsider:

(1) A vote upon a motion to table,

(2) A motion to postpone indefinitely,

(3) A motion to remove a bill from the unfavorable calendar,

(4) A motion that a bill be read twice on the same day, or

(5) A motion to remove from the table.

(c) A motion to reconsider the vote by which a person has been elected as Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be suspended except by a vote of three-fifths of all the members of the House.

RULE 19. **Previous Question.** – (a) The previous question may be called only by:

(1) The Chair of the Committee on Rules, Calendar, and Operations of the House;

(2) The Majority Leader;

(3) The member submitting the report on the bill or other matter under consideration;

(4) The member introducing the bill or other matter under consideration;

(5) The member in charge of the measure, who shall be designated by the chair of the standing committee or permanent subcommittee reporting the same to the House at the time the bill or other matter under consideration is reported to the House or taken up for consideration.

(b) The previous question shall be as follows: "Shall the main question now be put?" When the call for the previous question has been decided in the affirmative by a majority

vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn, motion to recess, or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

(e) After the previous question is ordered, the Majority Leader and the Minority Leader may each allocate three minutes of debate on the question. The Majority Leader and the Minority Leader may each designate another member to act under this subsection in their absence.

IV. Voting

RULE 20. **Use of Electronic Voting System.** – (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
   a. Raising money on the credit of the State,
   b. Pledging the faith of the State for the payment of a debt,
   c. Imposing a State tax, or
   d. Authorizing a county, municipality, or other local governmental unit to
      1. Raise money on its credit,
      2. Pledge its faith for the payment of a debt, or
      3. Impose a local tax.

(2) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.

(3) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.

(4) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.

(b) Votes on the following questions shall be taken on the electronic voting system:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.

(2) Upon a call for division.

(3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.

(c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. Once the system is locked, the vote shall be recorded and printed.

(d) The voting station at each member's desk in the Chamber shall be used only by the member to which the station is assigned. Under no circumstances shall any other person vote at a member's station. It is a breach of the ethical obligation of a member either to request that another person vote at the requesting member's station or to vote at another member's station. The Speaker shall enforce this rule without exception.

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed

vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.

(g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic voting system, the Speaker shall announce that fact to the House, and any partial electronic voting system voting record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered that a malfunction caused an error in the electronic voting system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the House.

(h) For the purpose of identifying motions on which the vote is taken on the electronic voting system, the motions are coded as follows:

(1) To adjourn.
(2) To recess.
(3) To lay on the table.
(4) Previous question.
(5) To postpone indefinitely.
(6) To reconsider.
(7) To postpone to a day certain.
(8) To re-refer.
(9) To amend an amendment.
(10) To amend.
(11) To concur or not concur.
(12) Miscellaneous.

RULE 21. **Voice Votes; Stating Questions.** – (a) All other votes except those required to be taken on the electronic voting system shall be taken by voice vote.

(b) When a voice vote is taken, the Speaker shall put the question substantially as follows: "Those in favor (as the question may be) will say 'Aye'," and after the affirmative voice has been expressed, "Those opposed will say 'No'."

(c) No statement, explanation, debate, motion, parliamentary inquiry, or point of order shall be allowed once the voice vote has begun. Any point of order or parliamentary inquiry may be raised, however, after the completion of the vote.

RULE 22. **Determining Questions.** – (a) Unless otherwise provided by the Constitution of North Carolina or by these rules, all questions shall be determined by a simple majority of the members present and voting.

(b) No member may vote unless the member is in the Chamber when the question is put. This subsection of this rule cannot be suspended.

RULE 23. **Voting by Division.** – Any member may call for a division of the members upon the question before the result of the vote has been announced. Upon a call for a division, the Speaker shall cause the number voting in the affirmative and in the negative to be

determined. Upon a division and count of the House on any question, no member away from the member's seat shall be counted.

RULE 24. **Roll Call Vote.** – (a) Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote.

(b) Every member who is in the Hall of the House when the question is put shall vote upon a call of the ayes and noes, unless excused pursuant to Rule 24.1A.

(c) No member may change a vote without leave of the House, but such leave shall not be granted if it affects the result.

RULE 24.1A. **Excuse From Deliberations and Voting on a Bill.** – (a) Any member shall, upon request, be excused in advance from the deliberations and voting on a particular bill at any time that the reason for the request arises in the proceedings on the bill.

(b) The member may make a brief oral statement of the reasons for making the request, and shall do so if required by the State Government Ethics Act. The member may provide to the Principal Clerk, on a form provided by the Clerk, a concise written statement of the reason for the request, and the Clerk shall include this statement in the Journal.

(c) The member so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill, in committee or on the floor of the House at any reading, or any subsequent consideration of the bill.

(d) A member may request that his or her excuse from deliberations on a particular bill be withdrawn.

(e) By leave of the House, a member who has been excused from deliberations and voting on a bill may participate in deliberations and votes on amendments to which that member does not have any conflict that requires excusal.

RULE 24.1B. **Division of Amendments.** – Any member may call for an amendment to be divided into two or more amendments to be voted on separately, and the Speaker shall determine whether the amendment admits of such a division.

RULE 25. **Voting by Speaker.** – In all elections the Speaker may vote. In all other instances the Speaker may vote or may reserve this right until there is a tie in which event the Speaker may vote; but in no instance may the Speaker vote twice on the same question.

V. Committees

RULE 26. **Standing Committees and Permanent Subcommittees Generally.** – (a) The Speaker shall appoint a chair, or cochairs, of every standing committee, permanent subcommittee, and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

(b) The Speaker shall establish the number of members of each standing committee and standing subcommittee, and appoint the members in a manner to reflect the partisan membership of the House, except that the Committee on Ethics shall have an equal number of members of the majority and minority.

(c) Before appointing members of committees and subcommittees, the Speaker shall consult with the Minority Leader. The Speaker and Minority Leader shall consider members' committee preferences in making appointments and recommendations.

(d) The Speaker may not appoint new members to committees or permanent subcommittees after April 15 of an odd-numbered year or at any time during an even-numbered year except to fill vacancies caused by the resignation, death, removal, or inability to serve of a member. As to select committees established after March 1 of an odd-numbered year or during an even-numbered year, the Speaker may not appoint new members more than 60 calendar

days after the select committee is established, except to fill vacancies caused by the resignation, death, removal, or inability to serve of a member.

(e) Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.

(f) A maximum of two chairs of a standing committee are entitled to vote in a permanent subcommittee of the standing committee.

(g) Either the chair or acting chair, designated by the chair or by the Speaker, and five other members of the standing committee or permanent subcommittee, or a majority of the standing committee or permanent subcommittee, whichever is fewer, shall constitute a quorum of that standing committee or permanent subcommittee. A quorum of less than a majority of all the members must include at least one member of the minority party.

(h) In any joint meeting of the Senate and House committees or subcommittees, the House standing committee or permanent subcommittee reserves the right to vote separately.

RULE 26.1. **Mentions of Standing Committee Includes Select Committee.** – Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. **List of Standing Committees and Permanent Subcommittees.** – The standing committees and permanent subcommittees thereof are:

Committees	Subcommittees
Agriculture	(None)
Appropriations	-Education -General Government -Health and Human Services -Justice and Public Safety -Natural and Economic Resources -Transportation
Banking	(None)
Commerce and Job Development	-Alcoholic Beverage Control -Business and Labor -Science and Technology
Education	(None)
Elections	(None)
Environment	(None)
Ethics	(None)
Finance	(None)
Government	(None)
Health and Human Services	-Mental Health

Homeland Security, Military, and Veterans Affairs	(None)
Insurance	(None)
Judiciary	-Judiciary A -Judiciary B -Judiciary C
Public Utilities	(None)
Rules, Calendar, and Operations of the House	(None)
State Personnel	(None)
Transportation	(None)

RULE 28. **Standing Committee and Permanent Subcommittee Meetings.** – (a) Standing committees and permanent subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule established by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

(b) Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.

(c) The Chair or other presiding officer shall have general direction of the meeting place of the standing committee or permanent subcommittee, and, in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the Chair or presiding officer shall have power to exclude from the session any individual or individuals so hindering the legislative business.

(d) Procedure in the standing committees and permanent subcommittees shall be governed by the rules of the House, so far as the same may be applicable to such procedure. Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically and shall be subject to Rule 21(c).

(e) No standing committee or permanent subcommittee shall meet on any day when the House shall not convene except by permission of the Speaker or by approval of the House by resolution adopted by a majority vote of the House.

(f) No standing committee or permanent subcommittee shall meet during any session of the House. Standing committees and permanent subcommittees shall meet at their regularly scheduled hour. No permanent subcommittee shall meet at the same time that its standing committee is meeting. Standing committees and permanent subcommittees may meet at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House in order to assure the availability of the meeting room and that no conflicts will exist with the meetings of other bodies. All standing committee and permanent subcommittee meetings shall adjourn no later than:

(1) 15 minutes preceding a regular session of the House, and
(2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

Action taken by a committee in violation of this rule is voidable unless taken by unanimous consent at a meeting at which a majority of all the members of the committee are present, and at least one member present is of the minority party.

(g) Any call or notice of a standing committee or permanent subcommittee meeting between legislative sessions shall be sent by electronic mail to each member of the standing committee or permanent subcommittee at least five days prior to such meeting. If a member of the body so requests in writing to the chair of the standing committee or permanent subcommittee, the member shall be notified by mail of the meetings.

(h) During standing committee and permanent subcommittee meetings, the chair may exercise the right to vote, or may reserve this right until there is a tie, in which event the chair may vote, but in no instance may the chair vote twice on the same question.

RULE 28.1. **Ethics Committee Investigations Into Violations of the Open Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

(b) If, after such preliminary investigation as it may make, the Committee determines to proceed with an inquiry into the conduct of any individual, the Committee shall notify the individual as to the fact of the inquiry and the charges against the individual and shall schedule one or more hearings on the matter. The individual shall have the right to present evidence, cross-examine witnesses, and be represented by counsel at any hearings.

(c) After the Committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions:
(1) Dismiss the complaint and take no further action.
(2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.
(3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.
(4) Refer the matter to the House for appropriate action.

RULE 29. **Notice of Standing Committee and Permanent Subcommittee Meetings and Hearings.** – Other than meetings on the list of regular meeting times of standing committees and permanent subcommittees, public notice of all standing committee and permanent subcommittee meetings shall be given in the House, or if scheduled after adjournment, by electronic mail and posting on the legislative Web site. The chair of the standing committee or permanent subcommittee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the standing committee or permanent subcommittee as to the date, time, and place of that meeting.

RULE 29.1. **Public Hearings.** – (a) Requests for a public hearing shall be made in writing to the chair of the standing committee and, if applicable, the chair of the permanent subcommittee to which the bill has been referred. The chair of the standing committee may schedule a public hearing by the standing committee as a whole after the adjournment of a regular daily House session. The chair of the permanent subcommittee may schedule a public hearing before the permanent subcommittee at its regularly scheduled hour. Denial of a request made by a House member may be appealed to the Speaker.

Notice shall be given not less than five calendar days prior to public hearings. These notices shall be issued as information for the press and shall be posted in the places designated by the Principal Clerk.

(b) Persons desiring to appear and be heard at a public hearing shall submit their requests to the chair of the standing committee or permanent subcommittee. The standing committee or permanent subcommittee chair may designate one or more members to arrange the order of appearance of interested parties. A brief written statement of testimony may be submitted without oral presentation and shall be incorporated into the minutes of the public hearing.

RULE 29.2. **Minutes to Legislative Library.** – The chair of a standing committee or a permanent subcommittee shall ensure that written minutes are compiled for each of the body's meetings. The minutes shall indicate the members present and the actions taken at the meeting. Not later than five days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. **Committee of the Whole House.** – (a) A Committee of the Whole House shall not be formed, except by leave of the House.

(b) After passage of a motion to form a Committee of the Whole House, the Speaker shall appoint a chair to preside in the committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. **Introduction of Bills and Resolutions.** – (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds for any purpose, but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Amendments to captions of bills are in order only if the amendment is germane to the bill.

Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

(e) A Substitute Bill shall be covered with the same color jacket as the original bill and shall be prefaced as follows: "House Committee Substitute for_____."

(f) House Resolutions need not be read more than twice.

(g) All memorializing, celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction and consideration in the House. The mention of a deceased person as a pretext to honor an institution or a living person is prohibited.

(h) Any reference in these rules to bills shall extend to resolutions unless the context requires otherwise.

RULE 31.1. **Deadlines on Introduction and Receipt; No Blank Bills; Ten Bill Limit; Single Subject Rule.** – (a) All local bills must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, March 16, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 30, 2011.

(b) All public bills or resolutions recommended by commissions or standing committees authorized or directed by act or resolution of the General Assembly to report to the 2011 Regular Session of the General Assembly, or to report prior to convening of that session, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, March 1, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 9, 2011; and

(c) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, March 8, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 16, 2011. A bill introduced under this subsection shall be identified as an Agency Bill after its short title or in the drafting code.

(d) All public bills which would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 and all joint resolutions and House resolutions must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Thursday, March 24, 2011, and must be introduced not later than 1:00 P.M. on Wednesday, April 6, 2011.

(e) All public bills which under Rule 38 are required to be re-referred to either or both of the Appropriations Committee or the Finance Committee, must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, April 20, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, May 4, 2011. If any bill is subject to the deadline under this subsection and the bill is amended so that all the provisions requiring referral to either or both of those committees under Rule 38 do not remain in the bill, it is not eligible for further consideration.

(f) A bill containing no substantive provisions may not be introduced in the House.

(g) No member may introduce more than 10 public bills. For the purpose of this subsection, the introducer is the member who is listed as the first sponsor. This subsection does not apply to bills or resolutions recommended by commissions or committees authorized or directed by act or resolution of the General Assembly to report to the 2011 Regular Session of the General Assembly, or to report prior to convening of that session. This subsection does not apply to joint resolutions or House resolutions.

(h) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committee under Rule 38 or adjournment resolutions must be received and read on the floor of the House as a message from the Senate no later than Thursday, May 12, 2011; provided that a message from the Senate received by the

next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule.

(i) Except by motion approved by a majority of members of the House present and voting, no public House bill other than the Current Operations Appropriations Act or the Capital Improvement Appropriations Act may contain more than one subject.

(j) This rule, other than subsections (f), (g), and (i), does not apply to bills (i) establishing districts for Congress or State or local entities, or (ii) ratifying an amendment or amendments to the Constitution of the United States. This rule does not apply to resolutions adjourning the General Assembly sine die or to a date certain.

RULE 32. **Reference to Standing Committee and to Permanent Subcommittee; Serial Referrals.** – (a) Each bill not introduced on the report of a standing committee shall immediately upon its first reading be referred by the Speaker to such standing committee, committee of the whole, or permanent subcommittee as the Speaker deems appropriate. The Speaker at the same time may order that, if the bill is reported with any favorable recommendation or without prejudice, it be re-referred automatically upon the committee report to another committee or permanent subcommittee designated in the order. Each joint resolution or House resolution not introduced on the report of a standing committee shall immediately upon its first reading either be referred by the Speaker to a standing committee or permanent subcommittee or be calendared on the date designated by the Speaker, as the Speaker deems appropriate.

(b) The standing committee chair may refer each bill referred to the standing committee to the permanent subcommittee specifically charged with the subject matter of the bill. A report of that referral shall be made in writing and submitted to the body pursuant to Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to which the bill is referred shall report the bill back to the full standing committee. That subcommittee report shall include one of the following recommendations:

(1) Favorable, without prejudice, or unfavorable as to the original bill with the recommendation that the report be made to the standing committee;

(2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee;

(3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee;

(4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;

(5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or

(6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair, and unfavorable to the original bill.

Any recommendation of favorable or without prejudice may include a recommendation of re-referral to another standing committee. After a bill is reported to a standing committee by a permanent subcommittee of that standing committee, the standing committee chair may re-refer the bill to another permanent subcommittee of that standing committee.

Upon recommendation to the standing committee, the bill shall be before that body for further action unless the permanent subcommittee chair reports the bill directly pursuant to Rule 36.

RULE 33. **Papers Addressed to the House.** – Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker. A brief statement of the contents thereof may be made orally by the introducer before reference to a committee, but such papers shall not be debated or decided on the day of their first being read unless the House shall direct otherwise.

RULE 34. **Introduction of Resolutions and Bills, Copies Required.** – (a) House Bills shall be designated as "H.B.___." (No. following). A Joint Resolution shall be designated as "H.J.R. ___." (No. following). A House Resolution shall be designated as "H.R.___." (No. following).

(b) Whenever any resolution or bill is filed for introduction, it shall be in a House bill jacket containing the number of copies designated by the Principal Clerk and in the form designated by the Speaker. Any resolution or bill not accompanied by the required number of copies shall be returned immediately to the introducer. The Clerk shall stamp the copies with the number stamped upon the original bill.

(c) No bill may be filed for introduction if the draft contains names preprinted on the bill jacket and body of the bill (either as primary sponsors or cosponsors) unless each such member has signed the jacket.

RULE 35. **Duplicating and Availability of Copies of Bills.** – (a) The Legislative Services Officer shall cause such bills as are introduced to be duplicated in such numbers as may be specified by the Speaker. Copies shall be placed in the Printed Bills Room and made available to the committees to which the bill is referred, to individual members on request, and to the general public.

(b) A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the House.

RULE 35.1. **Assessment Reports.** – (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board, as defined in Article 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House an assessment report from the Legislative Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board. Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days.

(b) Every legislative proposal introduced in the House or received in the House from the Senate, proposing the incorporation of a municipality shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the House or by any committee of the House prior to a favorable report, a recommendation from the Joint Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint Legislative Commission on Municipal Incorporations shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

RULE 36. **Report by Standing Committee or Permanent Subcommittee.** – (a) **Reports.** – Bills and resolutions may be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make. With the written approval of the chair of the standing committee and with the recommendation of the subcommittee pursuant to Rule

32(b)(4) through (6), the chair of the permanent subcommittee may report the bill directly to the floor with that recommendation. If a permanent subcommittee recommends reporting a bill to the floor and the chair of the standing committee fails to give approval, the bill shall be deemed to have been reported to the standing committee with the same recommendation as the subcommittee would have made to the House.

(b) **Favorable Report.** – When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day designated by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, but not on the same day that it is reported except by leave of the House, and no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

(1) The bill is re-referred to the Committee on Appropriations or Committee on Finance under Rule 38 or was serially referred under Rule 32; or

(2) The bill has not yet been placed on the calendar, and the Speaker refers the bill to another committee.

In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House orally in the House or in writing to the Principal Clerk. When a committee substitute is adopted and receives a favorable report by the committee or permanent subcommittee, the standing committee or permanent subcommittee chair shall submit to the standing committee or permanent subcommittee the question of an unfavorable report on the original bill. The standing committee's or permanent subcommittee's action, if any, on the original bill shall be reported at the same time the committee substitute is reported.

(c) **Report Without Prejudice.** – When a standing committee reports a bill without prejudice, the bill shall be placed on the favorable calendar in the same manner as provided in subsection (b) of this rule.

(d) **Postponed Indefinitely.** – When a standing committee reports a bill with the recommendation that it be postponed indefinitely and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(e) **Unfavorable Report.** – When a standing committee reports a bill with the recommendation that it not be passed and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(f) **Minority Report.** – When a bill is reported by a standing committee with a recommendation that it not be passed or that it be postponed indefinitely but it is accompanied by a minority report signed by at least one-fourth of the members of the standing committee who were present and voting when the bill was considered in standing committee, the question before the House shall be: "The adoption of the minority report." If the minority report is adopted by majority vote, the bill shall be placed on the favorable calendar for consideration. If the minority report fails of adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

RULE 36.1. **Fiscal Notes or Fiscal Memoranda.** – (a) The Chair or Cochair of the Appropriations Committee, of the Finance Committee, or of the Standing Committee on Rules, Calendar, and Operations of the House, upon the floor of the House, may request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of the House and that a fiscal note or fiscal memorandum be attached to the measure, which request shall be allowed when, in the opinion of the Speaker, the fiscal effects of that measure are not apparent from the language of the measure. When a request is properly made under this subsection, the bill is removed from the calendar until such time that the fiscal note or fiscal memorandum is attached to the measure.

(b) The fiscal note or fiscal memorandum shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal

note or fiscal memorandum within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Speaker, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note or fiscal memorandum will be ready.

(c) The fiscal note or fiscal memorandum shall be prepared by the Fiscal Research Division on a form approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note or fiscal memorandum shall indicate the reasons that no estimate is provided. The fiscal note or fiscal memorandum shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note or fiscal memorandum available to the membership of the House.

(d) A sponsor of a bill or amendment may deliver a copy of the bill or amendment to the Fiscal Research Division for the preparation of a fiscal note or fiscal memorandum. The sponsor shall attach the fiscal note or fiscal memorandum to the bill when filed or to the amendment when its adoption is moved.

(e) The sponsor of a bill or amendment to which a fiscal note or fiscal memorandum is attached who objects to the estimates and information provided may reduce to writing the objections. These objections shall be appended to the fiscal note or fiscal memorandum attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the Current Operations Appropriations Bill or the Capital Improvement Appropriations Bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 36.2. **Actuarial Notes.** – (a) Every bill or resolution proposing any change in the law relative to any:

(1) State, municipal, or other retirement system funded in whole or in part out of public funds; or

(2) Program of hospital, medical, disability, or related benefits provided for teachers and State employees, funded in whole or in part by State funds;

shall have attached to it at the time of its consideration by any standing committee or permanent subcommittee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee or any permanent subcommittee, shall be separate therefrom, and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on State Personnel upon its introduction in accordance with G.S. 120-111.3.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with a request for an actuarial note, to the Fiscal Research Division, which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the actuary employed by the system or program affected by the measure. Actuarial notes shall be prepared and transmitted to the sponsor of the measure not later than two weeks after the request is received, unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. The actuarial note shall be attached to the jacket of the measure. The provisions of this subsection may be waived by the measure's sponsor for a

measure affecting local government retirement or pension plans not administered by the State or any local government program of hospital, medical, disability, or related benefits for local government employees not administered by the State.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long-range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any permanent subcommittee or standing committee reports a measure to which an actuarial note is attached at the time of permanent subcommittee or standing committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, the chair of the permanent subcommittee or standing committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the House.

RULE 36.3. **Local Legislation Affecting State Highway System.** – A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 36.4. **Content of Appropriations Bills.** – No provision shall be contained in any of the following bills unless it pertains to the appropriation of money or the raising or reducing of revenue: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium. If a point of order is made against such a provision and is sustained, the presiding officer shall refer the bill to the committee from which it came, with instructions for the chair of the committee to immediately report out a substitute or amendment removing the offending provision.

RULE 37. **Removing Bill From Unfavorable Calendar.** – A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

RULE 38. **Reports on Appropriation and Revenue Bills.** – (a) All standing committees, other than the Standing Committees on Appropriations, when favorably reporting any bill or resolution which:

(1) Carries an appropriation from the State; or

(2) Requires or will require in the future substantial additional State monies from the General Fund or Highway Fund to implement its provisions shall indicate same in the report, and said bill or resolution shall be referred to the Standing Committees on Appropriations for a further report before being acted upon by the House.

(b) All standing committees, other than the Standing Committee on Finance, when favorably reporting any bill which in any way or manner raises revenue, reduces revenue, levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of bonds or notes, whether public, public-local, or private, shall indicate same in the report, and

said bill shall be referred to the Standing Committee on Finance for a further report before being acted upon by the House. This subsection shall not apply to bills only imposing fines, forfeitures, or penalties.

(c) Action on Amendment Before Re-Referral. – If any standing committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the House, must be referred to the Standing Committees on Appropriations or the Standing Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 39. **Discharge Petition.** – (a) A motion to discharge a committee from consideration of a bill may be filed with the Principal Clerk by a primary sponsor of that measure if accompanied by a petition asking that the committee be discharged from further consideration of the bill. No motion may be filed until 10 legislative days after the bill has been referred to the committee. No petition may be filed until notice has been given on the floor of the House that the petition is to be filed and the primary sponsor giving notice has obtained a fiscal note or fiscal memorandum from the Fiscal Research Division on the bill, which note or memorandum shall be attached to the petition. Members may sign the petition only in the office of the Principal Clerk, and when the signatures of 61 members appear on the petition, the Principal Clerk shall place that motion on the calendar for the next legislative day as a special order of business. Members may withdraw their names at any time until 61 names appear. If the motion is adopted by the House, then the committee to which the bill or resolution has been referred is discharged from further consideration of the bill, and that bill is placed on the calendar for the next legislative day as a special order of business. The Principal Clerk shall provide a form for discharge petitions.

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members shall be required.

RULE 39.2. **Re-Referral of Bills From One Standing Committee to Another Standing Committee.** – Upon consent of the sponsor of the bill, the Speaker, the chair of the standing committee from whom the bill is to be re-referred, and the chair of the standing committee to whom the bill is to be re-referred, the chair of the standing committee from whom the bill is to be re-referred or the Chair of the Standing Committee on Rules, Calendar, and Operations of the House may move for a re-referral to another standing committee, and the bill shall be re-referred upon vote of the majority present during a regular session of the House.

RULE 40. **Calendars and Schedules of Business.** – The Clerk of the House shall prepare a daily schedule of business, including the Calendar of Bills and Resolutions for consideration and debate that day, in accordance with the Order of Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the order in which they are introduced. All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)). Except by leave of the House, the Speaker shall not vary from the order.

RULE 41. **Reading of Bills.** – (a) Every bill shall receive three readings in the House prior to its passage. The first reading and reference to standing committee of a House bill shall occur on the next legislative day following its introduction. The first reading and reference to standing committee of a Senate bill shall occur on the next legislative day following its receipt on messages from the Senate. The Speaker shall give notice at each subsequent reading whether it is the second or third reading.

(b) No bill shall be read more than once on the same day without the concurrence of two-thirds of the members present and voting; provided, no bill governed by Section 23 of Article II of the North Carolina Constitution herein shall be read twice on one day under any circumstance.

RULE 42. **Effect of a Defeated Bill.** – (a) Subject to the provisions of subsection (b) of this rule, after a bill has:

(1) Been tabled,
(2) Been postponed indefinitely,
(3) Failed to pass on any of its readings, or
(4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the chair, that measure shall be laid upon the table, and shall not be taken therefrom except by a two-thirds vote of the members present and voting.

(b) No local bill shall be held by the chair to embody the contents of or the principal provisions of the subject matter of any statewide measure which has been laid on the table, has failed to pass on any of its readings, or has been placed on the unfavorable calendar.

RULE 43. **Amendments.** – (a) No amendment to a measure before the House shall be in order unless the amendment is germane to the measure under consideration. A House amendment deleting a previously adopted House amendment shall not be in order, except that this sentence does not apply to amendments adopted under Rule 38(c). No amendment that is clearly unconstitutional shall be in order.

Only one principal (first degree) amendment shall be pending at any one time. If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule it out of order. However, any member desiring to offer a subsequent or substitute principal amendment in opposition to the pending amendment may inform the House by way of argument against the pending amendment that if it is defeated the member proposes to offer another principal amendment, and the member may then read and explain such proposed amendment.

Perfecting (or second degree) amendments may be offered and considered without limitation as to number, and in the event of multiple perfecting amendments, they shall be voted upon in inverse order.

(b) The following rules apply when considering: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium:

(1) Amendments cannot increase total spending within a subcommittee area beyond the total for that subcommittee as shown in the committee report.
(2) Amendments can only affect appropriations within the departments, agencies, or programs within the jurisdiction of the subcommittee.
(3) Amendments cannot increase total spending beyond the total amount shown in the committee report.
(4) Amendments that cause the budget to be unbalanced are not in order.
(5) Amendments cannot spend reversions.
(6) Amendments cannot make nonrecurring reductions to fund recurring items.

RULE 43.1. **Engrossment.** – Bills and resolutions, except those making appropriations, which originate in the House and which are amended, shall be engrossed before being sent to the Senate.

RULE 43.2. **House Concurrence in Senate Amendments to House Bills.** – When the House receives a Senate amendment to a bill originating in the House, it shall be placed on the calendar in accordance with Rule 36(b).

RULE 43.3. **Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Section 23 of Article II of the North Carolina Constitution which reads:

"**Revenue bills.** – No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal."

If the committee substitute was referred to standing committee, the standing committee shall:

(1) Report the bill with the recommendation either that the House do concur or that the House do not concur; and

(2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.

(c) If the committee substitute for a bill is not a material amendment, the question before the House shall be concurrence.

(d) If the committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading, and the question before the House shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(e) No committee substitute adopted by the Senate for a bill originating in the House may be amended by the House.

RULE 44. **Conference Standing Committees.** – (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House, or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the House for a bill originating in the Senate, a conference committee may be appointed by the Speaker upon the Speaker's own motion and shall be appointed upon request by the principal sponsor of the original bill, the chair of the House standing committee which reported the bill, or the sponsor of the amendment in which the Senate refused to concur; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate. In appointing members to conference committees, the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

(b) The conference report may be made by a majority of the House members of such conference committee and shall not be amended. If the Senate has a similar rule, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. If the Senate does not have a similar rule, a conference committee report which includes significant matters that were not in difference between the houses, shall be referred to a standing committee for its recommendation before further action by the House.

(c) If the conferees fail to agree or if either house fails to adopt the report of its conferees, new conferees may be appointed.

(d) No vote shall be taken on adoption of a conference report until the next legislative day following the report, except that no vote shall be taken on adoption of a conference report on either the Current Operations Appropriations Bill or a bill generally revising the Current Operations Appropriations Act until the second legislative day following the report.

RULE 44.1. **Transmittal of Bills to Senate.** – Unless ordered by the Speaker or two-thirds vote of the members present and voting, no bill shall be sent from the House on the day of its passage, except on the last day of the session.

VII. Legislative Officers and Employees

RULE 45. **Elected Officers.** – (a) The House shall elect its Speaker from among its membership.

(b) The House shall elect its Speaker Pro Tempore from among its membership who shall perform such duties as the Speaker may assign.

(c) The House shall elect a Principal Clerk, who shall continue in office until another is elected. The Speaker may appoint a Reading Clerk and shall appoint a Sergeant-at-Arms, both of whom shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent with these rules, as the Speaker may assign. Unless directed otherwise by the Speaker on behalf of the House, the Principal Clerk or an employee designated by the Principal Clerk shall receive House bills not approved by the Governor.

RULE 46. **Assistants to Principal Clerk and Sergeant-at-Arms.** – The Principal Clerk and the Sergeant-at-Arms may appoint, with the approval of the Speaker, such assistants as may be necessary to the efficient discharge of the duties of their respective offices.

RULE 47. **Speaker's Staff; Chaplain; and Pages.** – (a) The Speaker may appoint one or more staff members to the Speaker, a Chaplain of the House, and pages to wait upon the sessions of the House.

(b) When the House is not in session, the pages shall be under the supervision of the Supervisor of Pages.

(c) The Speaker, at the request of a member, may appoint honorary pages.

RULE 48. **Member's Staff.** – (a) Each standing committee and permanent subcommittee shall have a committee assistant. The committee assistant to a standing committee or permanent subcommittee shall serve as staff to the chair of the standing committee or permanent subcommittee.

(b) Each member shall be assigned a legislative assistant, unless the member has a committee assistant to serve as legislative assistant.

(c) The selection and retention of committee assistants, legislative assistants, and office assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Principal Clerk and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of such staff shall commence not earlier than the convening date of the General Assembly and shall terminate not later than the final adjournment or recess of the General Assembly unless employment for an extended period is approved by the Speaker. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations.

RULE 49. **Compensation of Legislative Assistants.** – No clerk, committee assistant, legislative assistant, office assistant, or other person employed or appointed under Rules 46, 47, and 48 hereof shall receive during such employment, appointment, or service any compensation from any department of the State government, and there shall not be voted, paid, or awarded any additional pay, bonus, or gratuity to any of them; but they shall receive only the pay now provided by law for such duties and services. This rule shall not apply to employment, appointment, or service, or to the receipt of compensation or additional pay, bonus, or gratuity from another department of State government between regular sessions of the General Assembly.

VIII. Privileges of the Hall

RULE 50. **Admittance to Floor.** – No person except members, officers, and designated employees of the General Assembly who have been issued identification tags as provided by this rule, and former members of the General Assembly who are not registered under the provisions of Article 2 of Chapter 120C of the General Statutes, shall be allowed on the floor of the House during its session, unless permitted by the Speaker or otherwise provided by law. Employees of the General Assembly shall wear identification tags, approved by the Legislative Services Officer, when on the floor of the House.

RULE 51. **Admittance of Press.** – Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect this object, as shall not interfere with the convenience of the House. Reporters admitted to the floor of the House shall observe the same requirements of attire for members contained in Rule 12(h).

RULE 52. **Extending Courtesies.** – Courtesies of the floor, galleries, or lobby shall be extended at the discretion of the Speaker and only by the Speaker. Requests by members to extend these courtesies shall be delivered to the Speaker. No member shall orally ask the Speaker to extend these courtesies during the daily session.

RULE 53. **Order in House Chamber, Galleries, and Lobby.** – In case of any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

RULE 54. **Attendance of Members.** – No member or officer of the House shall be absent from the service of the House without leave, unless from sickness or disability.

RULE 55. **Documents to Be Signed by the Speaker.** – All acts, addresses, and resolutions and all warrants and subpoenas issued by order of the House shall be signed by the Speaker or other presiding officer.

RULE 56. **Printing or Reproducing Materials.** – There shall be no printing or reproducing of paper(s) that are not legislative in essence except upon approval of the Speaker.

RULE 57. **Placement or Circulation of Materials.** – Persons other than members of the House shall not place or cause to be placed any materials on members' desks in the House Chamber without obtaining approval of the Speaker. Any material placed on members' desks in the House Chamber, or circulated to House members anywhere in the Legislative Building or the Legislative Office Building, shall bear the name of the originator.

RULE 58. **Rules, Rescission, and Alteration.** – (a) These rules shall not be permanently rescinded or altered except by House simple resolution passed by a two-thirds vote of the members present and voting. The introducer of the resolution must on the floor of the House give notice of intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the House upon two-thirds vote of the members present and voting may temporarily suspend any rule.

RULE 59. **Cosponsorship of Bills and Resolutions.** – (a) Any member not listed as a cosponsor on the draft edition who wishes to cosponsor a bill or resolution which has been introduced may do so within 24 hours following the adjournment of the session during which such bill or resolution was first read and referred, but only electronically under procedures approved by the Principal Clerk.

(b) Members wishing to cosponsor legislation prior to preparation of the draft should indicate such to the drafter at the time the bill is requested and before filing the bill with the Principal Clerk's office. The names of the members who are the primary sponsors shall be listed in the order requested by them, followed by the words (Primary Sponsors); and the remaining names of such members cosponsoring shall follow on the draft edition and first edition. No more than four members may be listed as primary sponsors. Names of persons

cosponsoring bills thereafter under subsection (a) of this Rule do not appear on subsequent editions but shall be listed in the bill status system as cosponsors.

(c) No member shall permit anyone, other than that member's committee assistant, legislative assistant, office assistant, or another member, to have possession of and solicit for bill or resolution cosponsorship, the jacket of a bill or resolution.

RULE 60. **Correcting of Typographical Errors.** – The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions provided that such corrections are made before ratification and do not conflict with any actions or rules of the Senate and provided further that such correction be approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker, or other presiding officer.

RULE 61. **Assignment of Seats.** – After initial assignment of seats, a member shall continue to occupy the seat to which initially assigned until assigned a permanent seat; once assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of vacancy, that member's successor will occupy the seat of the member replaced for the remainder of the biennial session.

RULE 61.1. **Office Assignments.** – The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall assign to each member an office space. When available, chairs of standing committees and permanent subcommittees shall be assigned an office adjacent to the room in which the standing committee or permanent subcommittee generally meets if the Chair so desires. The Speaker shall be assigned an office of his or her choice.

RULE 61.2. **Convening and Assigning Seats in the New House.** – (a) The Principal Clerk of the previous House of Representatives shall convene the House of Representatives at 12:00 noon on the date established by law for the convening of each regular session and preside over the body until the members elect a Speaker. In the case of a vacancy, inability, or refusal to so serve, the duty shall devolve upon the Sergeant-at-Arms of the prior House, and in the case of a vacancy in that office, or inability or refusal to so serve, the duty shall devolve upon the Reading Clerk of the prior House.

(b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House of the prior House to assign temporary seats to the members of the House of Representatives in its Chamber. In the case of the inability or refusal to serve of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker of the prior House of Representatives shall appoint a person to assign seats to members of the House of Representatives in its Chamber. In the event that the party that had a majority of members in the prior House will no longer have a majority of members in the new House, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the duty of the person nominated as Speaker by the majority party caucus for the new House, or some member-elect designated by the Speaker-nominee. In the event no party will have a majority, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the joint duty of one person chosen each by the caucuses of the two parties having the greatest numbers of members.

RULE 62. **Matters Not Covered in These Rules.** – Except as herein set out, the rules of Mason's Manual of Legislative Procedure, 2010 Edition, shall govern the operation of the House. Custom and usage may supplement these rules or Mason's Manual, but may not supercede them.

SECTION 2. This resolution is effective upon adoption.

EXPLANATION OF DRAFT HOUSE TEMPORARY RULES

Prepared by Gerry Cohen, Director of Legislative Drafting

January 25, 2011

The explanation below outlines the change between the 2009 permanent House Rules and Draft 2011 Rules DRHR30022-LB-5T, proposed temporary rules. Omitted from this explanation are: (i) simple changes of date from 2009 to 2011; (ii) relettering and renumbering of subdivisions; and (iii) typographical and grammatical corrections. Analysis is in order of Rule number. Short explanations are included if helpful.

NOTE: The phrase "leave of the House" means approval by a majority (which is often done by unanimous consent, rather than a floor vote)

RULE 4:

2009 Rules: Rules Committee examines the previous day's journal before a motion is made to approve it.

2011 Rules: Chair of the Rules Committee examines the previous day's journal before a motion is made to approve it.

EXPLANATION: brings rule in conformance with practice.

RULE 5:

2009 Rules: Speaker can deviate from the stated order of business set out in the rules.

2011 Rules: Leave of the House required to deviate from the stated order of business set out in the rules.

RULE 5:

2009 Rules: Order of bills within each category on the calendar determined by Rules chair

2011 Rules: Order of bills within each category on the calendar is House bills first, in numerical order.

EXPLANATION: Makes House and Senate Rules the same on this point. Conforming changes are also found in Rules 36(b) and 40

RULE 5:

2009 Rules: Rules did not provide for order on calendar for House resolutions and conference reports

2011 Rules: House resolutions for adoption first on calendar. Conference reports on adoption second on calendar.

EXPLANATION: Follows longstanding practice of the House.

RULE 6:

2009 Rules: Speaker has general direction of the Hall of the House (the Chamber)

2011 Rules: Speaker has general direction of the Hall of the House (the Chamber) subject to more specific provisions of the rules

EXPLANATION: Clarifies that specific provisions of the rules control over the Speaker's general powers

RULE 6:

2009 Rules: If Speaker is absent and has not designated a member to preside, the Principal Clerk presides.

2011 Rules: If Speaker is absent and has not designated a member to preside, the Speaker Pro Tempore presides.

EXPLANATION: Restores Rule to what was provided pre-2003.

RULE 9:

2009 Rules: In order to overturn a ruling of the Speaker on a point of order, two-thirds of the members present must agree.

2011 Rules: In order to overturn a ruling of the Speaker on a point of order, three-fifths of the members present must agree.

RULE 10:

2009 Rules: First speech by a member may not exceed 20 minutes, second speech may not exceed 10 minutes. Speech on a minority report may not exceed 20 minutes.

2011 Rules: First speech by a member may not exceed 15 minutes, second speech may not exceed five minutes. Speech on a minority report may not exceed 10 minutes.

RULE 10:

2009 Rules: No specific provision

2011 Rules: If member yields for a question, the time spent asking and answering the question counts against the member's time allotted.

EXPLANATION: 2011 Rules set out what is provided in Mason's Manual and already applies, but setting it out specifically raises awareness.

RULE 12:

2009 Rules: Rule 12(f) prohibits smoking on the floor and in the gallery.

2011 Rules: Prohibition deleted.

EXPLANATION: State law prohibits smoking at any place within the Legislative Building.

RULE 12:

2009 Rules: Rule 12(j) allows the Speaker authority to approve placards, stickers, and signs on the floor.

2011 Rules: Speaker's authority to waive the rule is removed.

RULE 18:

2009 Rules: To reconsider election of Speaker or Speaker Pro-Tem requires suspension of the rules (two-thirds vote).

2011 Rules: To reconsider election of Speaker or Speaker Pro-Tem requires three-fifths vote

EXPLANATION: Note that reconsideration of election of an officer can only take place prior to that officer taking the oath of office. Mason's Manual requires vote of a majority of ALL the members to REMOVE an officer.

RULE 19:

2009 Rules: Debate ends when vote on calling the question prevails.

2011 Rules: When vote on calling the question prevails, majority leader and minority leader can each allocate three minutes of debate on the question at hand prior to the vote being taken. Minority leader and majority leader may each designate a person to act in their absence.

RULE 20:

EXPLANATION: Conforming change made due to change in Rule 41.

RULE 24:

2009 Rules: No provision

2011 Rules: A member may not change that member's vote without leave of the House, but such leave may not be granted if it changes the result of the vote (e.g. whether the question passes or fails)

RULE 24.1A:

2009 Rules: If a member is being excused from voting, member may make an oral statement of the reasons.

2011 Rules: In addition, if required by the State Government Ethics Act, member shall make an oral statement of the reasons.

RULE 24.1A:

2009 Rules: If a member is excused from voting on a bill, member may not participate further in any way on the bill.

2011 Rules: Member excused from participating in a bill may participate on an amendment to the bill if the member does not have any conflict on that amendment.

RULE 26:

2009 Rules: Speaker appoints members of all committees and standing committees in a manner to reflect the partisan makeup of the House.

2011 Rules: Makes an exception for the Ethics Committee which shall have an equal number of members of each party.

RULE 26:

2009 Rules: Before appointing members, Speaker shall consult with minority leader. The Speaker shall consider members' committee preferences.

2009 Rules: Before appointing members, Speaker shall consult with minority leader. The Speaker in making appointments to committees shall consider members' committee preferences. Minority leader in making recommendations shall consider members' committee preferences.

RULE 26:

2009 Rules: Rule 26(h) sets out quorum requirements, allowing either majority of the committee OR the chair or acting chair plus five members to be a quorum

2011 Rules: If the quorum is not a majority but a lesser amount of the chair or acting chair plus five members, then at least one member of the minority party must be present

RULE 27:

2009 Rules: Sets out list of standing committees and permanent subcommittees.

2011 Rules: Rewrites list of committees. Net effect: Total number of standing committees decreased from 36 to 18. Number of standing subcommittees increased from 10 to 14.

RULE 28:

2009 Rules: Provides numerous rules about committee procedure. No specific provisions about waiver of violations.

2011 Rules: Any committee action in violation of Rule 28 is voidable UNLESS taken by unanimous consent at a meeting at which a majority of committee members are present including at least one minority party member present.

RULE 28:

2009 Rules: Rule 28(g) requires notice of interim committee meetings to be by US mail to members, except member may request certified mail.

2011 Rules: Rule 28(g) requires notice of interim committee meetings to be by email to members, except member may request US mail.

RULE 29:

2009 Rules: Public notice of all standing committee and permanent subcommittee meetings must be given in the House

2011 Rules: If the meeting is scheduled after adjournment, notice to be given by electronic mail and by posting on the legislative website. No notice will be required of meetings on the list of regularly scheduled standing committee meetings.

EXPLANATION: Conforms to practice.

RULE 29.2:

2009 Rules: Committee chairs must deliver committee minutes to legislative library within 20 days of adjournment of the session.

2011 Rules: Committee chairs must deliver committee minutes to legislative library within five days of adjournment of the session.

RULE 30:

2009 Rules: To go into committee of the whole requires suspension of the rules

2011 Rules: To go into committee of the whole requires leave of the House.

RULE 30:

2009 Rules: Committee of the whole called "Standing Committee of the Whole"

2011 Rules: Deletes the word "Standing"

EXPLANATION: Restores pre-1989 name of committee.

RULE 31:

2009 Rules: Rule 31(d) provided that the title of a public bill may not be amended on the floor.

2011 Rules: Titles of public bills may be amended on the floor, but the amendment must be germane to the bill.

EXPLANATION: Removes language added to the rules in 1987.

RULE 31:

2009 Rules: Prohibits certain types of resolutions "except those honoring the memory of deceased persons".

2011 Rules: Adds language "The mention of a deceased person as a pretext to honor an institution or living person is prohibited."

RULE 31.1:

2009 Rules: Set out various deadlines for bill filings and crossover. 2009 session convened January 28, 2011 session convenes January 26.

2011 Rules: Moves all deadlines two days earlier to reflect session convening two days earlier. Restores deadlines for bills requested by state agencies (agency bills) and deadlines for bills recommended by study commissions, which had been deleted in 2009 but which had appeared for 20 years prior to 2009. Corrects error in 2009 public bill deadline which had been a Thursday rather than a Wednesday.

Deadlines will be as follows:

CROSSOVER: Thursday May 12

	REQUEST TO STAFF	FILING
Studies:	Tuesday, March 1	Wednesday, March 9
Agency:	Tuesday, March 8	Wednesday, March 16
Local:	Wednesday, March 16	Wednesday, March 30
Public:	Thursday, March 24	Wednesday, April 6
Tax and Appropriations:	Wednesday, April 20	Wednesday, May 4

RULE 31.1:

2009 Rules: Did not specify whether joint resolutions and House resolutions were subject to filing deadlines

2011 Rules: House resolutions and joint resolutions (other than for adjournment) are subject to the same filing deadline as substantive public bills

RULE 31.1:

2009 Rules: No limit on the number of bills a member may file

2011 Rules: Member may file only 10 public bills, except that bills (those requested to be introduced by a study commission) are not included in the cap. Same as rule from 1995 and 1997 sessions.

RULE 32:

2009 Rules: Upon first reading Speaker refers to standing committee or standing subcommittee.

2011 Rules: Also allows Speaker to refer bill to Committee of the Whole.

RULE 34:

2009 Rules: When bill filed, sponsor must provide duplicate which Principal Clerk shall keep to be available to the sponsor at all times.

2011 Rules: Requirement eliminated.

EXPLANATION: This rule has been superfluous since computerized bill production began in 1967 and multiple copies could be printed.

RULE 35:

2009 Rules: Legislative Service office required to provide a copy of each public bill to each member for LA to place in notebook on member's desk in Chamber. Staff required to provide second copy if member also had bill book in office.

2011 Rules: requirements eliminated. Bills will still be printed for the printed bill room. Members will still get copy(ies) of bills upon request.

RULE 36:

2009 Rules: All House bills must be acted on by committee prior to sine die adjournment unless sponsor requests otherwise.

2011 Rules: Requirement of committee action eliminated.

EXPLANATION: This rule has been suspended at the end of each session the last 10 or more years.

RULE 36:

2009 Rules: Rules chair could set order of business for floor.

2011 Rules: Deleted.

EXPLANATION: Conforming change to changes in Rules 5 and 40.

RULE 36.1:

2009 Rules: Fiscal note required in certain circumstances before floor vote can be taken.

2011 Rules: Allows fiscal memoranda (a less comprehensive document from Fiscal Research Division) to satisfy this requirement.

RULE 36.2:

2009 Rules: Pension and retirement bills must go through Pensions and Retirement Committee.

2009 Rules: Pension and retirement bills must go through State Personnel Committee.

EXPLANATION: Conforming change to G.S. 120-111.3 should be made. That statute mentioned the old committee. House has right to make its own rules of procedure.

RULE 36.4:

2009 Rules: Substantive legislation prohibited from being included in the budget bill. No enforcement mechanism provided other than point of order against the entire bill.

2011 Rules: If a point of order is sustained, the presiding officer to refer the bill back to committee with instructions to remove the offending provisions, the chair is to report out a committee substitute or amendment deleting the provision(s) that violate the rules. As with congressional precedent, no committee meeting will be held, the chair will report the corrective documents.

RULE 39:

2009 Rules: Provided that motion could be made to recall a bill from committee after 10 legislative days and with a 3/5 vote.

2011 Rules: Recall provision deleted, Discharge Petition (similar to the provision in the 1995 Rules) added to replace it. A primary sponsor of the bill after 10 legislative days from referral of bill to committee gives notice on the floor, gets fiscal note or fiscal memorandum on bill, and files petition in Principal Clerk's office. Members may sign petition only in the Clerk:s office and may withdraw their signature until 61 names appear. Once 61 names appear, Principal Clerk places motion to discharge on agenda for next legislative day as a special order of business. If motion prevails, the bill is placed on the calendar for the next legislative day.

RULE 39.1:

2009 Rules: Procedure for discharge of a bill from standing subcommittee.

2011 Rules: Rule 39.1 repealed. Rule 39 discharge petition will cover.

RULE 40:

2009 Rules: Bills appear on calendar in order placed by Rules Committee chair.

2011 Rules: Refers to Rule 5 (see above). Bills will be in numerical order House bills first within each category (like Senate), leave of House required to deviate. This is conforming change to those found in Rules 5 and 36(b).

RULE 41:

2009 Rules: Requires readings on separate days on second and third readings (so called "roll-call bills") of bills covered by Article II section 23 of Constitution (Tax and bond bills – required by constitution) AND bills affecting fees.

2011 Rules: Eliminates second category of roll-call bills required only by rule. Conforming change is also made in Rule 20.

EXPLANATION: Will make House and Senate rules identical on this point.

RULE 43:

2009 Rules: If the Senate adopts a non-germane amendment to a House bill, the House may refuse to receive the bill if the Senate has the same rule.

2011 Rules: Provision deleted.

RULE 43:

2009 Rules: Had six types of amendments that were not in order on appropriations bills.

2011 Rules: Clause "from any source" deleted from subdivision (b)(3).

RULE 44:

2009 Rules: Only such matters as are in difference between the two houses may be considered by a conference committee.

2011 Rules: 2011 House rule would require that if Senate did not have an "only matters in difference" rule, the conference report after submission will be referred to a standing committee for its recommendations on adoption if it "includes significant matters that were not in difference". The 2009 Senate rules only required that matters added in conference be germane to the bill, so it did NOT have a

similar rule. 2011 House Rule would provide that if the Senate has a rule requiring conferees to only consider matters in difference, the same would apply to the House.

EXPLANATION: Insignificant matters that are not in difference might include effective dates, citations, etc.

RULE 44:

2009 Rules: Conference report may not be voted on until next legislative day after it is submitted.

2011 Rules: Conference report may not be voted on until next legislative day after it is submitted, except that conference report on the budget in either year of the biennium may not be voted on until the second legislative day after it is submitted.

RULE 52:

2009 Rules: Requests by members to extend courtesies of the gallery shall be typewritten and delivered to the Speaker.

2011 Rules: Eliminates requirement that request must be typewritten.

RULE 58:

2009 Rules: Permanent rules may not be permanently amended except by resolution passed by 2/3 vote. Temporary suspension by 2/3 vote.

2011 Rules: These are temporary rules, to remain in effect until permanent rules adopted by resolution with majority vote. Temporary suspension by 2/3 vote.

RULE 59:

2009 Rules: Member may be added as a cosponsor (i) if name appears on draft addition as cosponsor; (ii) by signing bill jacket no later than thirty minutes after adjournment of the house the day the bill is read the first time, or (iii) electronically up to one hour after adjournment of the house the day the bill is read the first time. All those names appear on the first edition of the bill and in bill status system.

2011 Rules: Member may be added as a cosponsor (i) if name appears on draft addition as cosponsor , or (ii) electronically up to 24 hours after adjournment of the house the day the bill is read the first time. Only names that appear on draft edition as cosponsor will appear on the first edition of the bill, names of members cosponsoring electronically will appear in the bill status system as cosponsors.

RULE 62:

2009 Rules: Specifies that Mason's manual is to be used for matters not provided in the rules.

2011 Rules: Specifies 2010 edition of Mason's Manual. Clarifies that custom and usage may supplement rules of Mason's Manual, but may not supercede them.

HOUSE BILL 19:
House Permanent Rules - 2011 Regular Session

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	February 1, 2011
Introduced by:	Representatives T. Moore and LaRoque	**Prepared by:**	Kory Goldsmith
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Resolution 19 establishes the Rules of the chamber for the 2011 Regular Session.***

CURRENT LAW: The House is currently functioning under House Resolution 1 - The Temporary Rules of the House of Representatives, adopted January 26, 2011.

BILL ANALYSIS: HR 19 differs from HR 1 in the following respects: (1) all references to "Temporary Rules" are now to "Permanent Rules", (2) the "Military and Homeland Security" is now "Homeland Security, Military, and Veterans Affairs" (Rule 27), and (3) Rule 58 reflects the method for amending the Permanent Rules (HR 1 had method for amending Temporary Rules).

NOTE: The phrase "leave of the House" means approval by a majority (which is often done by unanimous consent, rather than a floor vote)

House Resolution 19 is substantially similar to the Rules adopted by the House of Representatives during the 2009 Regular Session but differs in the following respects:

RULE 5 – Order of Business of the Day.
2009 Rules: Speaker can deviate from the stated order of business set out in the rules. Order of bills within each category on the calendar determined by Rules chair
2011 Rules: Leave of the House required to deviate from the stated order of business set out in the rules. Order of bills within each category on the calendar is House bills first, in numerical order.

RULE 10 – Limitations on Debate.
2009 Rules: First speech by a member may not exceed 20 minutes; second speech may not exceed 10 minutes. Speech on a minority report may not exceed 20 minutes.
2011 Rules: First speech by a member may not exceed 15 minutes; second speech may not exceed five minutes. Speech on a minority report may not exceed 10 minutes. If member yields for a question, the time spent asking and answering the question counts against the member's time allotted.

RULE 19 - Previous Question.
2009 Rules: Debate ends when vote on calling the question prevails.
2011 Rules: When vote on calling the question prevails, majority leader and minority leader can each allocate three minutes of debate on the question at hand prior to the vote being taken. Minority leader and majority leader may each designate a person to act in their absence.

RULE 24.1A – Excuse From Deliberations and Voting on a Bill.
2009 Rules: If a member is being excused from voting, member may make an oral statement of the reasons. If a member is excused from voting on a bill, member may not participate further in any way on the bill.

2011 Rules: In addition to written statement, if required by the State Government Ethics Act, member shall make an oral statement of the reasons for recusal. Member excused from participating in a bill may participate on an amendment to the bill if the member does not have any conflict on that amendment.

RULE 26 – Standing Committees and Permanent Subcommittees Generally.
2009 Rules: Speaker appoints members of all committees and standing committees in a manner to reflect the partisan makeup of the House. Rule 26(h) set out quorum requirements, allowing either majority of the committee OR the chair or acting chair plus five members to be a quorum.
2011 Rules: The Ethics Committee shall have an equal number of members of each party. Rule 26(g) provides that if the quorum is not a majority, but the chair or acting chair plus five members, then at least one member of the minority party must be present.

RULE 27 – List of Standing Committees and Permanent Subcommittees.
2009 Rules: Sets out list of standing committees and permanent subcommittees.
2011 Rules: Rewrites list of committees. Net effect: Total number of standing committees decreased from 36 to 18. Number of standing subcommittees increased from 10 to 14.

RULE 28 – Standing Committee and Permanent Subcommittee Meetings.
2009 Rules: Provides numerous rules about committee procedure. No specific provisions about waiver of violations. Rule 28(g) required notice of interim committee meetings to be by US mail to members, except member may request certified mail.
2011 Rules: Any committee action in violation of Rule 28 is voidable UNLESS taken by unanimous consent at a meeting at which a majority of committee members are present including at least one minority party member present. Rule 28(g) requires notice of interim committee meetings to be by email to members, except member may request US mail.

RULE 29 – Notice of Standing Committee and Permanent Subcommittee Meetings and Hearings.
2009 Rules: Public notice of all standing committee and permanent subcommittee meetings must be given in the House
2011 Rules: If the meeting is scheduled after adjournment, notice to be given by electronic mail and by posting on the legislative website.

RULE 29.2 – Minutes to Legislative Library.
2009 Rules: Committee chairs must deliver committee minutes to legislative library within 20 days of adjournment of the session.
2011 Rules: Committee chairs must deliver committee minutes to legislative library within five days of adjournment of the session.

RULE 30 – Committee of the Whole House.
2009 Rules: To go into committee of the whole requires suspension of the rules.
2011 Rules: To go into committee of the whole requires leave of the House.

RULE 31 – Introduction of Bills and Resolutions.
2009 Rules: Rule 31(d) provided that the title of a public bill could only be amended in committee, thereby precluding amending the title on the floor.
2011 Rules: Titles of public bills may be amended on the floor, but the amendment must be germane to the bill.

RULE 31.1 – Deadlines on Introduction and Receipt; No Blank Bills; Ten Bill Limit; Single Subject Rule.
2009 Rules: Prohibits certain types of resolutions "except those honoring the memory of deceased persons." Did not specify whether joint resolutions and House resolutions were subject to filing deadlines. No limit on the number of bills a member could file.
2011 Rules: Adds language "The mention of a deceased person as a pretext to honor an institution or living person is prohibited." House resolutions and joint resolutions (other than for adjournment) are subject to the same filing deadline as substantive public bills. Member may file only 10 public bills, except bills recommended by a study committee are not included in the cap.

RULE 32 – Reference to Standing Committee and to Permanent Subcommittee; Serial Referrals.
2009 Rules: Upon first reading, the Speaker refers a bill to standing committee or standing subcommittee.
2011 Rules: Allows the Speaker to refer a bill to Committee of the Whole.

RULE 34 – Introduction of Resolutions and Bills, Copies Required.
2009 Rules: When bill filed, sponsor must provide duplicate which Principal Clerk shall keep to be available to the sponsor at all times.
2011 Rules: Requirement eliminated.

RULE 35 – Duplicating and Availability of Copies of Bills.
2009 Rules: Legislative Services Office required to provide a copy of each public bill to each member to be placed in member's notebook on desk in Chamber. Staff required to provide second copy if member also had bill book in office.
2011 Rules: Distribution requirements eliminated. Bills will still be printed and placed in Printed Bills Room. Members may request copies of bills.

RULE 36 – Report by Standing Committee or Permanent Subcommittee.
2009 Rules: All House bills must be acted on by committee prior to sine die adjournment unless sponsor requests otherwise. Rules chair could set order of business for floor.
2011 Rules: Requirement of committee action eliminated as is provision allowing Rules Chair to set the order of business for the floor.

RULE 36.1 – Fiscal Notes or Fiscal Memoranda.
2009 Rules: Fiscal note required in certain circumstances before floor vote can be taken.
2011 Rules: Allows fiscal memoranda to satisfy this requirement.

RULE 36.2 – Actuarial Notes.
2009 Rules: Pension and retirement bills must go through Pensions and Retirement Committee.
2011 Rules: Pension and retirement bills must go through State Personnel Committee. HB 6 - House Pensions Committee Duties, would amend Article 14A of Chapter 120 to reflect this change.

RULE 36.4 – Content of Appropriations Bills.
2009 Rules: Substantive legislation prohibited from being included in the budget bill. No enforcement mechanism provided other than point of order against the entire bill.

2011 Rules: If a point of order is sustained, the presiding officer shall refer the bill back to committee with instructions to remove the offending provisions, the chair is to report out a committee substitute or amendment deleting the provision(s) that violate the rules.

RULE 39 – Discharge Petitions.
2009 Rules: Rules 39 and 39.1 provided that motion could be made to recall a bill from committee after 10 legislative days and with a 3/5 vote.
2011 Rules: Discharge Petition replaces Recall provisions. After 10 legislative days from referral of bill to a committee, a primary sponsor may file a motion to discharge a committee from consideration of the bill. Before filing the petition with the House Principal Clerk, the member must obtain a Fiscal Note or Fiscal memorandum and must give notice on the floor. Members may sign petition only in the Clerk's office and may withdraw their signature until 61 names appear. Once 61 names appear on the petition, the Principal Clerk must place the motion to discharge on the calendar for next legislative day as a special order of business. If the motion prevails, the bill is placed on the calendar for the next legislative day.

RULE 41 – Reading of Bills.
2009 Rules: Requires readings on separate days on second and third readings (so called "roll-call bills') of bills covered by Article II section 23 of Constitution (Tax and bond bills – required by constitution) AND bills affecting fees.
2011 Rules: Eliminates second category of roll-call bills required only by rule. Conforming change is also made in Rule 20.

RULE 43 – Amendments.
2009 Rules: If the Senate adopted a non-germane amendment to a House bill, the House may refuse to receive the bill if the Senate had the same rule. Rule 43(b) set out six types of amendments to appropriations bills that would not be in order. One of the provisions [(b)(3)] read: "Amendments cannot increase total spending, from any source, beyond the total amount shown in the committee report."
2011 Rules: Provision related to non-germane Senate amendments is removed. The clause "from any source" is removed from (b)(3).

RULE 44 – Conference Standing Committees.
2009 Rules: Only such matters as are in difference between the two houses may be considered by a conference committee. Conference report may not be voted on until next legislative day after it is submitted.
2011 Rules: If the Senate does not limit conferees to consideration of "only matters in difference," then a conference report that "includes significant matters that were not in difference" may be submitted, but will be referred to a standing committee for its recommendations on adoption. The 2011 Senate Permanent rules only require that matters added in conference be germane to the bill. Conference report may not be voted on until next legislative day after it is submitted, except that conference report on the budget in either year of the biennium may not be voted on until the second legislative day after it is submitted.

RULE 59 – Cosponsorship of Bills and Resolutions.
2009 Rules: Member may be added as a cosponsor (i) if name appears on draft addition as cosponsor; (ii) by signing bill jacket no later than thirty minutes after adjournment of the House the day the bill is

read the first time, or (iii) electronically up to one hour after adjournment of the house the day the bill is read the first time. All the names appeared on the first edition of the bill and in bill status system.
2011 Rules: Member may be added as a cosponsor (i) if name appears on draft addition as cosponsor, or (ii) electronically up to 24 hours after adjournment of the House the day the bill is read the first time. Only names that appear on draft edition as cosponsor will appear on the first edition of the bill, names of cosponsors electronically will appear in the bill status system as cosponsors.

RULE 62 – Matters Not Covered in These Rules.
2009 Rules: Specifies that Mason's manual is to be used for matters not provided in the rules.
2011 Rules: Specifies 2010 edition of Mason's Manual. Clarifies that custom and usage may supplement rules of Mason's Manual, but may not supercede them.

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

Gerry Cohen, Director of the Bill Drafting Division, substantially contributed to this summary.

Unknown-SMRC-1(e1) v7

Cell Phones

HOUSE PAGES

NAME OF COMMITTEE Rules DATE 2-2-11

1. Name: Tia Cunningham
   County: Hoke County
   Sponsor: Garland Pierce
2. Name: Traci Leak
   County: Rowan
   Sponsor: Warren H.
3. Name: Currie Bryant
   County: Brunswick
   Sponsor: Dewey Hill
4. Name: Skyler Stroud
   County: Iredell
   Sponsor: Julia Howard
5. Name: Caroline Law
   County: Gaston
   Sponsor: Torbett
6. Name HARRISON JENKINS
   County Iredell
   Sponsor Setzer

SGT-AT-ARM

1. Name: Bill Boss
2. Name: Martha Parnell
3. Name: Champ Claire
4. Name:

VISITOR REGISTRATION SHEET

Rules — 02/02/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carl Dean	DSP
James Dean	Visitor
C Dowell	The Insider
Amy Whited	NC Med Society
Drew Saunders	ElectriCities
Michael Thompson	Dominion
Betsy Bailey	Professional Engineers
Sara Riggins	NCFPC
Brittany Farrell	NCFPC
Chip Boyat	NCMS
CS 02/11	TSS

VISITOR REGISTRATION SHEET

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.
Kathy Hawkes	Duke Energy

VISITOR REGISTRATION SHEET

Rules — Name of Committee

2-2-11 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAVID BARNET	PS
Rob Lamme	RLA
Joyce Peters	UPAssoc/CSS
Cady Thomas	NCAR
David McGovan	NCAR
Barbara S Carsten	BSCo
John Bowdish	AstraZeneca

VISITOR REGISTRATION SHEET

RULES — 02/02/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dana Fenton	City of Charlotte
Lanier Bland	City of Wilmington
Heather Reaves	NCRLA
Jessi Hayes	NC HBA
Paula Wolf	NC NOW
John Goodman	NC CHAMBER
Katherine Davis	ElectriCities
Harry Zepl	MWC
Rick Bo	NCAEC
Barbara Abel	NCRTL
Jeff Mixon	AFP

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
February 16, 2011

The Committee on Rules, Calendar and Operations of the house met on February 16, 2011 at 3:49 pm in Room 1228 of the Legislative Building. The following members were present, Representative LaRoque Chair, Representative T. Moore Chair, Representative Owens Vice Chair, Representative Rhyne Vice Chair, Representatives Blust, Crawford, Faison, Farmer-Butterfield, Folwell, Hill, Hilton, Jeffus, Luebke, McComas, Moffitt, Samuelson, Stam, Stone.

Rep. Moore recognized the Pages and Sergeant-at-Arms

The following bill was considered:

H40 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WEATHERLY FORMER MEMBER OF THE GENERAL ASSEMBLY (Representatives Hastings, T. Moore, Hager, and Stam, Primary Sponsors.) Chair Moore explained the bill. Representative Folwell made the motion for the resolution to be adopted, motion passed.

S17 A JOINT RESOLUTION TO ESTABLISH THE JOINT REGULATORY REFORM COMMITTEE.(Senators Brown, Rouzer, and Jackson Primary Sponsors) Chair Moore explained the bill. Representative Folwell made the motion for a favorable report, and the motion passed.

H88 A HOUSE RESOLUTION HONORING CLAY COUNTY ON ITS ONE HUNDRED FIFTIETH ANNIVERSARY (Representative West, Primary Sponsor) Chair Moore explained the bill. Representative Owens made the motion for the recommendation for the resolution to be adopted. Motion carried.

H19 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2011 REGULAR SESSION (Representatives T. Moore and LaRoque, Primary Sponsors) Representative Owens made the motion to have the PCS before the committee. Chair Moore recognized Kory Goldsmith to explain the changes in the bill. Discussion and debate on the bill. Rep Folwell made the motion that the committee substitute resolution be adopted, unfavorable as to the original resolution. Motion carried.

Meeting Adjourned at 4:10 pm

Respectfully submitted:

Rep Tim Moore
Chair

Lisa Kennedy
Rule Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

15 minutes after session

February 16, 2011

1327 LB

Representative Tim Moore Presiding

Remarks:

HB 19	Permanent House Rules.	Representative Moore
		Representative LaRoque
HB 40	Honor John Weatherly.	Representative Hastings
SJR 17	Joint Regulatory Reform Committee.	Senator Brown
		Senator Rouzer
		Senator Jackson

Adjourn

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, February 16, 2011
TIME: 15 minutes after session
LOCATION: 1327 LB
COMMENTS: **SB 17 Has been added to today's agenda.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 19	Permanent House Rules.	Representative Moore Representative LaRoque
HR 40	Honor John Weatherly.	Representative Hastings Representative Moore Representative Hager Representative Stam
SJR 17	Joint Regulatory Reform Committee.	Senator Brown Senator Rouzer Senator Jackson

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **February 16, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

From: Lisa Kennedy (Rep. LaRoque)
Sent: Tuesday, February 15, 2011 1:39 PM
To: Rep. Paul Stam; Rep. Mike Hager; Rep. Kelly Hastings
Cc: Christin Danchi (Rep. Stam); Christine Brenco (Rep. Hager); Leslie Sutter (Rep. Hastings)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 02-16-2011 at 15 minutes after session

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

BILL SPONSOR NOTIFICATION

2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, February 16, 2011

TIME: 15 minutes after session

LOCATION: 1327 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR

HR 19	Permanent House Rules.	Representative Moore
		Representative LaRoque
HR 40	Honor John Weatherly.	Representative Hastings
		Representative Moore
		Representative Hager
		Representative Stam

Respectfully,

Representative LaRoque, Chair

Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

1 PM o'clock on **February 15, 2011.**

Principal Clerk

Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	02/01/2011	02/02/2011	02/16/2011												
Rep. Stephen LaRoque Chair	x	x	x												
Rep. Tim Moore Chair	x	x	x												
Rep. Bill Owens Vice Chair	x	x	x												
Rep. Johnathan Rhyne Vice Chair	x	x	x												
Rep. Martha Alexander	x	x													
Rep. John Blust			x												
Rep. Jim Crawford	x	x	x												
Rep. Leo Daughtry	x	x													
Rep. Bill Faison	x	x	x												
Rep. Jean Farmer- Butterfield	x	x	x												
Rep. Dale Folwell	x	x	x												
Rep. Mitch Gillsepie			x												
Rep. Joe Hackney	x	x													
Rep. Dewey Hill	x	x	x												
Rep. Mark Hilton		x	x												
Rep. Maggie Jeffus	x	x	x												
Rep. Linda Johnson			x												
Rep. Paul Luebke	x	x	x												
Rep. Danny.McComas	x	x	x												
Rep. Tim Moffitt			x												
Rep. Earline Parmon	x														
Rep. Ruth Samuelson	x	x	x												
Rep. Paul Stam	x	x	x												
Rep. Mike Stone	x	x	x												
Kory Goldsmith	x	x	x												
Bill Patterson	x	x	x												
Kelly Quick	x	x	x												

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 19 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2011 REGULAR SESSION.

☒ With recommendation that the committee substitute resolution be adopted, unfavorable as to original resolution.

(FOR JOURNAL USE ONLY)

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

_____ Pursuant to Rule 36(b), the committee substitute resolution is placed on the Calendar of _____. The original resolution is placed on the Unfavorable Calendar.

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 40 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WEATHERLY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

☒ With recommendation that it be adopted.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 88 A HOUSE RESOLUTION HONORING CLAY COUNTY ON ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

☒ With recommendation that it be adopted.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SJR 17 A JOINT RESOLUTION TO ESTABLISH THE JOINT REGULATORY REFORM COMMITTEE.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

HOUSE RESOLUTION 40

Sponsors:	Representatives Hastings, T. Moore, Hager, and Stam (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

February 7, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WEATHERLY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, John Hugh Weatherly was born on April 5, 1924, in McColl, South Carolina, to Rufus E. Weatherly and Rose Riley Weatherly; and

Whereas, John Hugh Weatherly graduated from McColl High School in 1942 and earned a B.S. degree in Forestry from the University of Georgia in 1950; and

Whereas, John Hugh Weatherly proudly served his country as a fighter pilot in the United States Marine Corps during World War II and the Korean War, and was awarded the Air Medal and Distinguished Flying Cross; and

Whereas, John Hugh Weatherly worked as a forester for the Catawba Timber Company, a subsidiary of Bowater Newsprint Company, until his retirement; and

Whereas, John Hugh Weatherly was admired by his peers, serving as president of the North Carolina Forestry Association and president of the North Carolina Division of the Society of American Foresters; and

Whereas, John Hugh Weatherly was active in his community, serving as a member of the Catawba County Board of Commissioners from 1970 to 1974, the United Way Board, and the Board of Trustees of the Catawba Valley Community College; and

Whereas, John Hugh Weatherly served with honor and distinction as a member of the House of Representatives during the 1989, 1993, 1995, 1997, and 2001 sessions of the General Assembly, where he represented Cleveland, Rutherford, Polk, and Gaston Counties; and

Whereas, during his tenure in the General Assembly, John Hugh Weatherly made contributions as chair of the Committee on State Government and as a member of the Committees on Agriculture, Appropriations Subcommittee on Natural and Economic Resources, Election Law and Campaign Reform, Environment, and Judiciary II; and

Whereas, John Hugh Weatherly received many honors and awards, including receiving the Silver Beaver Award for his distinguished service to the Boy Scouts of America, being named a Paul Harris Fellow for his service to Rotary International, and being inducted into the Order of the Long Leaf Pine; and

Whereas, John Hugh Weatherly was a member of the Shelby Presbyterian Church, serving as a deacon and elder; and

Whereas, John Hugh Weatherly was a devoted husband of the late Willette Hipp Weatherly for 63 years and a loving father to the late Kim Weatherly Kinard; and

Whereas, John Hugh Weatherly died on January 22, 2011, at the age of 86; and

Whereas, John Hugh Weatherly is survived by two sons, Keith Weatherly and Karl Weatherly; and five grandchildren, Leigh Anne Weatherly Spicer, Hunter Weatherly, Hayley Kinard, Samantha Slade, and Ethan Slade; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives expresses its deep appreciation for the life and accomplishments of John Hugh Weatherly and for the service he rendered to the nation, the State, and his community.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of John Hugh Weatherly for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of John Hugh Weatherly.

SECTION 4. This resolution is effective upon adoption.

HOUSE PCS 19:
Permanent House Rules

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	February 15, 2011
Introduced by:	Reps. T. Moore, LaRoque	**Prepared by:**	Kory Goldsmith Committee Counsel
Analysis of:	PCS to First Edition H19-CSRC-2		

SUMMARY: The Proposed Committee Substitute makes the following changes to the 1st Edition:

Rule 6 (Page 2, line 46) - specifies that the Speaker may designate the House Principal Clerk to preside in his absence.

Rule 10(d) (Page 3, lines 44-45) - time spent answering questions will count against a members' time to debate a bill, but time spent asking a question will not.

Rule 24.1A(b) (Page 8, lines 17-19) – a member who asks to be excused from voting is required to provide the Principal Clerk with a concise written statement of the reason for the request. Removes requirement to make a verbal statement if that is required under State Government Ethics Act.

Rule 27 (Page 10, line 14) – adds Redistricting to the list of standing committees.

Rule 28(g) (Page 11, lines 13-15) – clarifies that a member shall designate the address where written notices of interim committee meetings should be mailed.

Rule 29(a) (Page 11, lines 40-49) – clarifies that notice of regularly scheduled committee and subcommittee meetings may be made either by announcement during session, which is posted on the General Assembly website, or by email. Meetings held at any other time must be announced during session and if the meeting will be held after session adjourns, must also be noticed by email.

Rule 29.2 (Page 12, line 23) – allows committee minutes to be filed up to 10 days after adjournment.

Rule 36.1 (Page 17, lines 1-31) – removes references to "fiscal memos." Conforming changes also made in Rule 39.

Rule 43(b) (3) (Page 20, line 42) – reinstates the phrase "from any source".

Rule 59(a) (Page 23, lines 49-51) – allows a member to be added as an additional primary sponsor after a bill is filed if the primary sponsor consents.

(Page 24, line 1) – provides that members may add themselves as cosponsors to a bill up to 5:00 p.m. of the day following the adjournment of the session during which the bill was first read and referred.

EFFECTIVE DATE: The Resolution is effective upon adoption.

H19-SMRC-2(CSRC-2) v4

HOUSE RESOLUTION 19

Sponsors:	Representatives T. Moore and LaRoque (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

February 1, 2011

A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2011 REGULAR SESSION.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Session of the House of Representatives of the 2011 General Assembly are:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE REGULAR SESSION OF THE 2011 GENERAL ASSEMBLY OF NORTH CAROLINA

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I. Order of Business

RULE 1. **Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2011, no sessions may be held on Friday. Without leave of the House, no session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No session shall be held on Sunday.

RULE 1.1. **Emergencies.** In the event of a disaster, natural or otherwise, that precludes the General Assembly from meeting in the Legislative Building, the members will be notified by the Speaker where and when the House will convene.

RULE 2. **Opening the Session.** – At the convening hour on each legislative day, the Speaker shall call the members to order and shall have the session opened with prayer. At the convening hour on the first day of each legislative week, the Speaker, or the Speaker's designee, shall lead the members in the Pledge of Allegiance to the American Flag.

RULE 3. **Quorum.** – (a) A quorum consists of a majority of the qualified members of the House.

(b) Should the point of a quorum be raised, the doors shall be closed, and the Clerk shall call the roll of the House, after which the names of those not responding shall again

be called. In the absence of a quorum, 15 members are authorized to compel the attendance of absent members and may order that absentees for whom no sufficient excuses are made be taken into custody wherever they may be found by special messenger appointed for that purpose.

RULE 4. **Approval of Journal.** – (a) The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall cause the Journal of the House to be examined daily before the hour of convening to determine if the proceedings of the previous day have been correctly recorded.

(b) Immediately following the opening prayer and upon appearance of a quorum, the Speaker shall call for the Journal report by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, or by a Representative designated by the Chair, as to whether the proceedings of the previous day have been correctly recorded. Without objection, the Speaker shall cause the Journal to stand approved.

RULE 5. **Order of Business of the Day.** – After the approval of the Journal of the preceding day, except by leave of the House, the House shall proceed to business in the following order:

(1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
(1a) Messages from the Governor;
(2) Ratification of bills;
(3) Reports of standing committees and permanent subcommittees;
(4) Reports of select committees;
(5) Reports of referral by standing committee Chairs of bills to permanent subcommittees;
(6) First reading and reference to committee of bills and resolutions;
(7) Messages from the Senate;
(8) Concurrence with Senate amendments or Senate committee substitutes;
(9) The unfinished business of the preceding day;
(10) Calendar (each category in accordance with Rule 40 – House bills first):
  a. Resolutions for adoption
  b. Conference reports for adoption
  c. Local bills (roll call), third reading
  d. Local bills (roll call), second reading
  e. Local bills, third reading
  f. Local bills, second reading
  g. Public bills (roll call), third reading
  h. Public bills (roll call), second reading
  i. Public bills and resolutions, third reading
  j. Public bills and resolutions, second reading;
(11) Reading of notices and announcements.

II. Conduct of Debate

RULE 6. **Duties and Powers of the Speaker.** – The Speaker shall have general direction of the Hall, subject to more specific provisions of these rules. The Speaker may name any member to perform the duties of the chair, but substitution shall not extend beyond one day, except in the case of sickness or by leave of the House. If the Speaker is absent and has not designated a member to perform the duties of the chair, the Speaker Pro Tempore shall preside during such absence. In the case of a vacancy in the office of the Speaker of the House of Representatives, the Principal Clerk shall preside over the House until the House elects a Speaker.

RULE 7. **Obtaining Floor.** – (a) When any member desires recognition for any purpose, the member shall rise and respectfully address the Speaker. No member shall proceed until recognized by the Speaker for a purpose.

(b) When a member desires to interrupt a member having the floor, the member shall first obtain recognition by the Speaker and permission of the member occupying the floor, and when such recognition and permission have been obtained, he or she may propound a question to the member occupying the floor; but he or she shall not otherwise interrupt the member having the floor, except as provided in subsection (c) of this rule; and the Speaker shall, without the point of order being raised, enforce this rule.

(c) A member who has obtained the floor may be interrupted only for the following reasons:

(1) A request that the member speaking yield for a question,

(2) A point of order,

(3) A parliamentary inquiry, or

(4) A question of privilege.

RULE 8. **Questions of Privilege.** – Upon recognition by the Speaker for that purpose, any member may speak to a question of privilege for a time not to exceed three minutes. Questions of privilege shall be those affecting, first, the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence over all other questions, except motions to adjourn. Privilege may not be used to explain a vote or debate a bill. The Speaker shall determine if the question is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 9. **Points of Order.** – (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A three-fifths vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated, except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from the ruling of the chair and the decision by a three-fifths vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House, requires it, the member shall be liable to censure by the House.

RULE 10. **Limitations on Debate.** – (a) No member shall speak on, debate, or solicit cosponsors for a bill or resolution at its first reading.

(b) No member shall speak more than twice on the main question nor longer than 15 minutes for the first speech and five minutes for the second speech; nor shall the member speak more than twice upon an amendment or motion to reconsider, re-refer, appeal, or postpone or any motion on concurrence, and then not longer than 10 minutes for the first speech and five minutes for the second speech.

(c) A member may speak only once and for not more than 10 minutes on the question of the adoption of a minority report.

(d) In computing the time allowed for argument, the time consumed in asking and answering questions should be considered. If a member consents to the question, the time consumed by the interruption is taken out of any time allowed that member.

(e) The House, by consent of a majority of the members present, may suspend the operation of subsections (b) through (d) of this rule during any debate on any particular question before the House.

RULE 11. **Reading of Papers.** – When there is a call for the reading of the text of a paper which has been presented to the House and there is objection to such reading, the

question shall be determined by a majority vote of the members of the House present. Except for protests permitted by the Constitution, no member may have material printed in the Journal until said material has been presented to the House and the printing approved by the House, and said material shall not exceed 1,000 words.

RULE 12. **General Decorum.** – (a) The Speaker shall preserve order and decorum.

(b) Decency of speech shall be observed and disrespect to personalities carefully avoided.

(c) When the Speaker is putting any question, or addressing the House, no person shall speak, stand up, walk out of, or cross the House nor, when a member is speaking, engage in disruptive discourse or pass between the member and the chair.

(d) Food or beverages shall not be permitted on the floor of the House during the first two hours of the daily session.

(e) The reading of newspapers shall not be permitted on the floor of the House while the House is in session.

(f) The consumption of food or beverages shall not be permitted in the galleries at any time.

(g) Special recitals and performances by musicians or other groups shall not be permitted on the floor of the House; and special guests of members of the House shall not be permitted on the floor of the House.

(h) Members shall observe appropriate attire, coat and tie for male members and dignified dress for female members.

(i) The use of wireless telephones shall not be permitted in the House Chamber.

(j) Placards, stickers, or signs are not permitted in the House Chamber.

III. Motions

RULE 13. **Motions Generally.** – (a) Every motion shall be reduced to writing if the Speaker or any two members request it. No motion relating to a bill shall be in order which does not identify the bill by its number and short title.

(b) When a motion is made, it shall be stated by the Speaker, or, if written, it shall be handed to the chair and read aloud by the Speaker or Clerk before debate.

(c) After a motion has been stated by the Speaker or read by the Speaker or Clerk, it shall be in the possession of the House; but it may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be in possession of the House and shall not be withdrawn without leave of the House.

RULE 14. **Motions, Order of Precedence.** – When there are motions before the House, the order of precedence is as follows:

To adjourn.
To recess.
To lay on the table.
Previous question.
To postpone indefinitely.
To reconsider.
To postpone to a day certain.
To re-refer.
To amend an amendment.
To amend.
To pass the bill.

No motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to re-refer, or to make a particular amendment, being decided, shall be again allowed at the same stage of the bill or proposition.

RULE 15. **Motion to Adjourn.** – (a) A motion to adjourn shall be seconded before the motion is put to the vote of the House.

(b) A motion to adjourn shall be decided without debate and shall always be in order, except when the House is voting or some member is speaking; but a motion to adjourn shall not follow a motion to adjourn until debate or some other business of the House has intervened.

RULE 16. **Motion to Table.** – (a) A motion to table shall be seconded before the motion is put to the vote of the House and is in order except when a motion to adjourn or to recess is before the House.

(b) A motion to table shall be decided without debate.

(c) A motion to table a bill shall constitute a motion to table the bill and all amendments thereto.

(d) When the question before the House is the adoption of an amendment to a bill or resolution, a motion to table the bill is not in order; and a motion to table an amendment applies to the amendment only, and the motion may not expressly or by implication or construction be expanded to include a motion to table the bill also.

(e) When a question has been tabled, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to remove from the table approved by a two-thirds vote.

RULE 17. **Motion to Postpone Indefinitely.** – A motion to postpone indefinitely is in order except when a motion to adjourn or to lay on the table or for the previous question or to recess is before the House. However, after one motion to postpone indefinitely has been decided, another motion to postpone indefinitely shall not be allowed at the same stage of the bill or proposition. When a question has been postponed indefinitely, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to place on the favorable calendar approved by a two-thirds vote.

RULE 18. **Motion to Reconsider.** – (a) When a question has been decided, it is in order for any member to move for the reconsideration thereof on the same or the succeeding legislative day; provided that if the vote by which the motion was originally decided was taken by a recorded vote, only a member of the prevailing side may move for reconsideration.

(b) A motion to reconsider shall be determined by a majority vote, except the following shall require a two-thirds vote: a second or subsequent motion to reconsider and a motion to reconsider:

(1) A vote upon a motion to table,
(2) A motion to postpone indefinitely,
(3) A motion to remove a bill from the unfavorable calendar,
(4) A motion that a bill be read twice on the same day, or
(5) A motion to remove from the table.

(c) A motion to reconsider the vote by which a person has been elected as Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be suspended except by a vote of three-fifths of all the members of the House.

RULE 19. **Previous Question.** – (a) The previous question may be called only by:

(1) The Chair of the Committee on Rules, Calendar, and Operations of the House;
(2) The Majority Leader;
(3) The member submitting the report on the bill or other matter under consideration;
(4) The member introducing the bill or other matter under consideration;
(5) The member in charge of the measure, who shall be designated by the chair of the standing committee or permanent subcommittee reporting the same to the House at the time the bill or other matter under consideration is reported to the House or taken up for consideration.

(b) The previous question shall be as follows: "Shall the main question now be put?" When the call for the previous question has been decided in the affirmative by a majority vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn, motion to recess, or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

(e) After the previous question is ordered, the Majority Leader and the Minority Leader may each allocate three minutes of debate on the question. The Majority Leader and the Minority Leader may each designate another member to act under this subsection in their absence.

IV. Voting

RULE 20. **Use of Electronic Voting System.** – (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
   a. Raising money on the credit of the State,
   b. Pledging the faith of the State for the payment of a debt,
   c. Imposing a State tax, or
   d. Authorizing a county, municipality, or other local governmental unit to
      1. Raise money on its credit,
      2. Pledge its faith for the payment of a debt, or
      3. Impose a local tax.

(2) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.

(3) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.

(4) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.

(b) Votes on the following questions shall be taken on the electronic voting system:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.

(2) Upon a call for division.

(3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.

(c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. Once the system is locked, the vote shall be recorded and printed.

(d) The voting station at each member's desk in the Chamber shall be used only by the member to which the station is assigned. Under no circumstances shall any other person vote at a member's station. It is a breach of the ethical obligation of a member either to request that another person vote at the requesting member's station or to vote at another member's station. The Speaker shall enforce this rule without exception.

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.

(g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic voting system, the Speaker shall announce that fact to the House, and any partial electronic voting system voting record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered that a malfunction caused an error in the electronic voting system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the House.

(h) For the purpose of identifying motions on which the vote is taken on the electronic voting system, the motions are coded as follows:

(1) To adjourn.
(2) To recess.
(3) To lay on the table.
(4) Previous question.
(5) To postpone indefinitely.
(6) To reconsider.
(7) To postpone to a day certain.
(8) To re-refer.
(9) To amend an amendment.
(10) To amend.
(11) To concur or not concur.
(12) Miscellaneous.

RULE 21. **Voice Votes; Stating Questions.** – (a) All other votes except those required to be taken on the electronic voting system shall be taken by voice vote.

(b) When a voice vote is taken, the Speaker shall put the question substantially as follows: "Those in favor (as the question may be) will say 'Aye'," and after the affirmative voice has been expressed, "Those opposed will say 'No'."

(c) No statement, explanation, debate, motion, parliamentary inquiry, or point of order shall be allowed once the voice vote has begun. Any point of order or parliamentary inquiry may be raised, however, after the completion of the vote.

RULE 22. **Determining Questions.** – (a) Unless otherwise provided by the Constitution of North Carolina or by these rules, all questions shall be determined by a simple majority of the members present and voting.

(b) No member may vote unless the member is in the Chamber when the question is put. This subsection of this rule cannot be suspended.

RULE 23. **Voting by Division.** – Any member may call for a division of the members upon the question before the result of the vote has been announced. Upon a call for a division, the Speaker shall cause the number voting in the affirmative and in the negative to be determined. Upon a division and count of the House on any question, no member away from the member's seat shall be counted.

RULE 24. **Roll Call Vote.** – (a) Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote.

(b) Every member who is in the Hall of the House when the question is put shall vote upon a call of the ayes and noes, unless excused pursuant to Rule 24.1A.

(c) No member may change a vote without leave of the House, but such leave shall not be granted if it affects the result.

RULE 24.1A. **Excuse From Deliberations and Voting on a Bill.** – (a) Any member shall, upon request, be excused in advance from the deliberations and voting on a particular bill at any time that the reason for the request arises in the proceedings on the bill.

(b) The member may make a brief oral statement of the reasons for making the request, and shall do so if required by the State Government Ethics Act. The member may provide to the Principal Clerk, on a form provided by the Clerk, a concise written statement of the reason for the request, and the Clerk shall include this statement in the Journal.

(c) The member so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill, in committee or on the floor of the House at any reading, or any subsequent consideration of the bill.

(d) A member may request that his or her excuse from deliberations on a particular bill be withdrawn.

(e) By leave of the House, a member who has been excused from deliberations and voting on a bill may participate in deliberations and votes on amendments to which that member does not have any conflict that requires excusal.

RULE 24.1B. **Division of Amendments.** – Any member may call for an amendment to be divided into two or more amendments to be voted on separately, and the Speaker shall determine whether the amendment admits of such a division.

RULE 25. **Voting by Speaker.** – In all elections the Speaker may vote. In all other instances the Speaker may vote or may reserve this right until there is a tie in which event the Speaker may vote; but in no instance may the Speaker vote twice on the same question.

V. Committees

RULE 26. **Standing Committees and Permanent Subcommittees Generally.** – (a) The Speaker shall appoint a chair, or cochairs, of every standing committee, permanent subcommittee, and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

(b) The Speaker shall establish the number of members of each standing committee and standing subcommittee, and appoint the members in a manner to reflect the partisan membership of the House, except that the Committee on Ethics shall have an equal number of members of the majority and minority.

(c) Before appointing members of committees and subcommittees, the Speaker shall consult with the Minority Leader. The Speaker and Minority Leader shall consider members' committee preferences in making appointments and recommendations.

(d) The Speaker may not appoint new members to committees or permanent subcommittees after April 15 of an odd-numbered year or at any time during an even-numbered year except to fill vacancies caused by the resignation, death, removal, or inability to serve of a

member. As to select committees established after March 1 of an odd-numbered year or during an even-numbered year, the Speaker may not appoint new members more than 60 calendar days after the select committee is established, except to fill vacancies caused by the resignation, death, removal, or inability to serve of a member.

(e) Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.

(f) A maximum of two chairs of a standing committee are entitled to vote in a permanent subcommittee of the standing committee.

(g) Either the chair or acting chair, designated by the chair or by the Speaker, and five other members of the standing committee or permanent subcommittee, or a majority of the standing committee or permanent subcommittee, whichever is fewer, shall constitute a quorum of that standing committee or permanent subcommittee. A quorum of less than a majority of all the members must include at least one member of the minority party.

(h) In any joint meeting of the Senate and House committees or subcommittees, the House standing committee or permanent subcommittee reserves the right to vote separately.

RULE 26.1. **Mentions of Standing Committee Includes Select Committee.** – Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. **List of Standing Committees and Permanent Subcommittees.** – The standing committees and permanent subcommittees thereof are:

Committees	Subcommittees
Agriculture	(None)
Appropriations	-Education -General Government -Health and Human Services -Justice and Public Safety -Natural and Economic Resources -Transportation
Banking	(None)
Commerce and Job Development	-Alcoholic Beverage Control -Business and Labor -Science and Technology
Education	(None)
Elections	(None)
Environment	(None)
Ethics	(None)
Finance	(None)
Government	(None)

Health and Human Services	-Mental Health
Homeland Security, Military, and Veterans Affairs	(None)
Insurance	(None)
Judiciary	-Judiciary A -Judiciary B -Judiciary C
Public Utilities	(None)
Rules, Calendar, and Operations of the House	(None)
State Personnel	(None)
Transportation	(None)

RULE 28. **Standing Committee and Permanent Subcommittee Meetings.** – (a) Standing committees and permanent subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule established by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

(b) Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.

(c) The Chair or other presiding officer shall have general direction of the meeting place of the standing committee or permanent subcommittee, and, in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the Chair or presiding officer shall have power to exclude from the session any individual or individuals so hindering the legislative business.

(d) Procedure in the standing committees and permanent subcommittees shall be governed by the rules of the House, so far as the same may be applicable to such procedure. Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically and shall be subject to Rule 21(c).

(e) No standing committee or permanent subcommittee shall meet on any day when the House shall not convene except by permission of the Speaker or by approval of the House by resolution adopted by a majority vote of the House.

(f) No standing committee or permanent subcommittee shall meet during any session of the House. Standing committees and permanent subcommittees shall meet at their regularly scheduled hour. No permanent subcommittee shall meet at the same time that its standing committee is meeting. Standing committees and permanent subcommittees may meet at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House in order to assure the availability of the meeting room and that no

conflicts will exist with the meetings of other bodies. All standing committee and permanent subcommittee meetings shall adjourn no later than:

(1) 15 minutes preceding a regular session of the House, and

(2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

Action taken by a committee in violation of this rule is voidable unless taken by unanimous consent at a meeting at which a majority of all the members of the committee are present, and at least one member present is of the minority party.

(g) Any call or notice of a standing committee or permanent subcommittee meeting between legislative sessions shall be sent by electronic mail to each member of the standing committee or permanent subcommittee at least five days prior to such meeting. If a member of the body so requests in writing to the chair of the standing committee or permanent subcommittee, the member shall be notified by mail of the meetings.

(h) During standing committee and permanent subcommittee meetings, the chair may exercise the right to vote, or may reserve this right until there is a tie, in which event the chair may vote, but in no instance may the chair vote twice on the same question.

RULE 28.1. **Ethics Committee Investigations Into Violations of the Open Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

(b) If, after such preliminary investigation as it may make, the Committee determines to proceed with an inquiry into the conduct of any individual, the Committee shall notify the individual as to the fact of the inquiry and the charges against the individual and shall schedule one or more hearings on the matter. The individual shall have the right to present evidence, cross-examine witnesses, and be represented by counsel at any hearings.

(c) After the Committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions:

(1) Dismiss the complaint and take no further action.

(2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.

(3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.

(4) Refer the matter to the House for appropriate action.

RULE 29. **Notice of Standing Committee and Permanent Subcommittee Meetings and Hearings.** – Other than meetings on the list of regular meeting times of standing committees and permanent subcommittees, public notice of all standing committee and permanent subcommittee meetings shall be given in the House, or if scheduled after adjournment, by electronic mail and posting on the legislative Web site. The chair of the standing committee or permanent subcommittee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the standing committee or permanent subcommittee as to the date, time, and place of that meeting.

RULE 29.1. **Public Hearings.** – (a) Requests for a public hearing shall be made in writing to the chair of the standing committee and, if applicable, the chair of the permanent subcommittee to which the bill has been referred. The chair of the standing committee may schedule a public hearing by the standing committee as a whole after the adjournment of a regular daily House session. The chair of the permanent subcommittee may schedule a public hearing before the permanent subcommittee at its regularly scheduled hour. Denial of a request made by a House member may be appealed to the Speaker.

Notice shall be given not less than five calendar days prior to public hearings. These notices shall be issued as information for the press and shall be posted in the places designated by the Principal Clerk.

(b) Persons desiring to appear and be heard at a public hearing shall submit their requests to the chair of the standing committee or permanent subcommittee. The standing committee or permanent subcommittee chair may designate one or more members to arrange the order of appearance of interested parties. A brief written statement of testimony may be submitted without oral presentation and shall be incorporated into the minutes of the public hearing.

RULE 29.2. **Minutes to Legislative Library.** – The chair of a standing committee or a permanent subcommittee shall ensure that written minutes are compiled for each of the body's meetings. The minutes shall indicate the members present and the actions taken at the meeting. Not later than five days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. **Committee of the Whole House.** – (a) A Committee of the Whole House shall not be formed, except by leave of the House.

(b) After passage of a motion to form a Committee of the Whole House, the Speaker shall appoint a chair to preside in the committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. **Introduction of Bills and Resolutions.** – (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds for any purpose, but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Amendments to captions of bills are in order only if the amendment is germane to the bill.

Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

(e) A Substitute Bill shall be covered with the same color jacket as the original bill and shall be prefaced as follows: "House Committee Substitute for_____."

(f) House Resolutions need not be read more than twice.

(g) All memorializing, celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction and consideration in the House. The mention of a deceased person as a pretext to honor an institution or a living person is prohibited.

(h) Any reference in these rules to bills shall extend to resolutions unless the context requires otherwise.

RULE 31.1. **Deadlines on Introduction and Receipt; No Blank Bills; Ten Bill Limit; Single Subject Rule.** – (a) All local bills must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, March 16, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 30, 2011.

(b) All public bills or resolutions recommended by commissions or standing committees authorized or directed by act or resolution of the General Assembly to report to the 2011 Regular Session of the General Assembly, or to report prior to convening of that session, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, March 1, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 9, 2011; and

(c) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, March 8, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 16, 2011. A bill introduced under this subsection shall be identified as an Agency Bill after its short title or in the drafting code.

(d) All public bills which would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 and all joint resolutions and House resolutions must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Thursday, March 24, 2011, and must be introduced not later than 1:00 P.M. on Wednesday, April 6, 2011.

(e) All public bills which under Rule 38 are required to be re-referred to either or both of the Appropriations Committee or the Finance Committee, must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, April 20, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, May 4, 2011. If any bill is subject to the deadline under this subsection and the bill is amended so that all the provisions requiring referral to either or both of those committees under Rule 38 do not remain in the bill, it is not eligible for further consideration.

(f) A bill containing no substantive provisions may not be introduced in the House.

(g) No member may introduce more than 10 public bills. For the purpose of this subsection, the introducer is the member who is listed as the first sponsor. This subsection does not apply to bills or resolutions recommended by commissions or committees authorized or directed by act or resolution of the General Assembly to report to the 2011 Regular Session of the General Assembly, or to report prior to convening of that session. This subsection does not apply to joint resolutions or House resolutions.

(h) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committee under Rule 38 or adjournment resolutions must be received and read on the floor of the House as a message from the Senate no later than Thursday, May 12, 2011; provided that a message from the Senate received by the

next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule.

(i) Except by motion approved by a majority of members of the House present and voting, no public House bill other than the Current Operations Appropriations Act or the Capital Improvement Appropriations Act may contain more than one subject.

(j) This rule, other than subsections (f), (g), and (i), does not apply to bills (i) establishing districts for Congress or State or local entities, or (ii) ratifying an amendment or amendments to the Constitution of the United States. This rule does not apply to resolutions adjourning the General Assembly sine die or to a date certain.

RULE 32. **Reference to Standing Committee and to Permanent Subcommittee; Serial Referrals.** – (a) Each bill not introduced on the report of a standing committee shall immediately upon its first reading be referred by the Speaker to such standing committee, committee of the whole, or permanent subcommittee as the Speaker deems appropriate. The Speaker at the same time may order that, if the bill is reported with any favorable recommendation or without prejudice, it be re-referred automatically upon the committee report to another committee or permanent subcommittee designated in the order. Each joint resolution or House resolution not introduced on the report of a standing committee shall immediately upon its first reading either be referred by the Speaker to a standing committee or permanent subcommittee or be calendared on the date designated by the Speaker, as the Speaker deems appropriate.

(b) The standing committee chair may refer each bill referred to the standing committee to the permanent subcommittee specifically charged with the subject matter of the bill. A report of that referral shall be made in writing and submitted to the body pursuant to Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to which the bill is referred shall report the bill back to the full standing committee. That subcommittee report shall include one of the following recommendations:

(1) Favorable, without prejudice, or unfavorable as to the original bill with the recommendation that the report be made to the standing committee;

(2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee;

(3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee;

(4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;

(5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or

(6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair, and unfavorable to the original bill.

Any recommendation of favorable or without prejudice may include a recommendation of re-referral to another standing committee. After a bill is reported to a standing committee by a permanent subcommittee of that standing committee, the standing committee chair may re-refer the bill to another permanent subcommittee of that standing committee.

Upon recommendation to the standing committee, the bill shall be before that body for further action unless the permanent subcommittee chair reports the bill directly pursuant to Rule 36.

RULE 33. **Papers Addressed to the House.** – Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker. A brief statement of the contents thereof may be made orally by the introducer before reference to a committee, but such papers shall not be debated or decided on the day of their first being read unless the House shall direct otherwise.

RULE 34. **Introduction of Resolutions and Bills, Copies Required.** – (a) House Bills shall be designated as "H.B.___." (No. following). A Joint Resolution shall be designated as "H.J.R. ___." (No. following). A House Resolution shall be designated as "H.R.___." (No. following).

(b) Whenever any resolution or bill is filed for introduction, it shall be in a House bill jacket containing the number of copies designated by the Principal Clerk and in the form designated by the Speaker. Any resolution or bill not accompanied by the required number of copies shall be returned immediately to the introducer. The Clerk shall stamp the copies with the number stamped upon the original bill.

(c) No bill may be filed for introduction if the draft contains names preprinted on the bill jacket and body of the bill (either as primary sponsors or cosponsors) unless each such member has signed the jacket.

RULE 35. **Duplicating and Availability of Copies of Bills.** – (a) The Legislative Services Officer shall cause such bills as are introduced to be duplicated in such numbers as may be specified by the Speaker. Copies shall be placed in the Printed Bills Room and made available to the committees to which the bill is referred, to individual members on request, and to the general public.

(b) A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the House.

RULE 35.1. **Assessment Reports.** – (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board, as defined in Article 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House an assessment report from the Legislative Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board. Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days.

(b) Every legislative proposal introduced in the House or received in the House from the Senate, proposing the incorporation of a municipality shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the House or by any committee of the House prior to a favorable report, a recommendation from the Joint Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint Legislative Commission on Municipal Incorporations shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

RULE 36. **Report by Standing Committee or Permanent Subcommittee.** – (a) **Reports.** – Bills and resolutions may be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make. With the written approval of the chair of the standing committee and with the recommendation of the subcommittee pursuant to Rule

32(b)(4) through (6), the chair of the permanent subcommittee may report the bill directly to the floor with that recommendation. If a permanent subcommittee recommends reporting a bill to the floor and the chair of the standing committee fails to give approval, the bill shall be deemed to have been reported to the standing committee with the same recommendation as the subcommittee would have made to the House.

(b) **Favorable Report.** – When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day designated by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, but not on the same day that it is reported except by leave of the House, and no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

(1) The bill is re-referred to the Committee on Appropriations or Committee on Finance under Rule 38 or was serially referred under Rule 32; or

(2) The bill has not yet been placed on the calendar, and the Speaker refers the bill to another committee.

In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House orally in the House or in writing to the Principal Clerk. When a committee substitute is adopted and receives a favorable report by the committee or permanent subcommittee, the standing committee or permanent subcommittee chair shall submit to the standing committee or permanent subcommittee the question of an unfavorable report on the original bill. The standing committee's or permanent subcommittee's action, if any, on the original bill shall be reported at the same time the committee substitute is reported.

(c) **Report Without Prejudice.** – When a standing committee reports a bill without prejudice, the bill shall be placed on the favorable calendar in the same manner as provided in subsection (b) of this rule.

(d) **Postponed Indefinitely.** – When a standing committee reports a bill with the recommendation that it be postponed indefinitely and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(e) **Unfavorable Report.** – When a standing committee reports a bill with the recommendation that it not be passed and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(f) **Minority Report.** – When a bill is reported by a standing committee with a recommendation that it not be passed or that it be postponed indefinitely but it is accompanied by a minority report signed by at least one-fourth of the members of the standing committee who were present and voting when the bill was considered in standing committee, the question before the House shall be: "The adoption of the minority report." If the minority report is adopted by majority vote, the bill shall be placed on the favorable calendar for consideration. If the minority report fails of adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

RULE 36.1. **Fiscal Notes or Fiscal Memoranda.** – (a) The Chair or Cochair of the Appropriations Committee, of the Finance Committee, or of the Standing Committee on Rules, Calendar, and Operations of the House, upon the floor of the House, may request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of the House and that a fiscal note or fiscal memorandum be attached to the measure, which request shall be allowed when, in the opinion of the Speaker, the fiscal effects of that measure are not apparent from the language of the measure. When a request is properly made under this subsection, the bill is removed from the calendar until such time that the fiscal note or fiscal memorandum is attached to the measure.

(b) The fiscal note or fiscal memorandum shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal

note or fiscal memorandum within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Speaker, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note or fiscal memorandum will be ready.

(c) The fiscal note or fiscal memorandum shall be prepared by the Fiscal Research Division on a form approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note or fiscal memorandum shall indicate the reasons that no estimate is provided. The fiscal note or fiscal memorandum shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note or fiscal memorandum available to the membership of the House.

(d) A sponsor of a bill or amendment may deliver a copy of the bill or amendment to the Fiscal Research Division for the preparation of a fiscal note or fiscal memorandum. The sponsor shall attach the fiscal note or fiscal memorandum to the bill when filed or to the amendment when its adoption is moved.

(e) The sponsor of a bill or amendment to which a fiscal note or fiscal memorandum is attached who objects to the estimates and information provided may reduce to writing the objections. These objections shall be appended to the fiscal note or fiscal memorandum attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the Current Operations Appropriations Bill or the Capital Improvement Appropriations Bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 36.2. **Actuarial Notes.** – (a) Every bill or resolution proposing any change in the law relative to any:

(1) State, municipal, or other retirement system funded in whole or in part out of public funds; or

(2) Program of hospital, medical, disability, or related benefits provided for teachers and State employees, funded in whole or in part by State funds;

shall have attached to it at the time of its consideration by any standing committee or permanent subcommittee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee or any permanent subcommittee, shall be separate therefrom, and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on State Personnel upon its introduction in accordance with G.S. 120-111.3.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with a request for an actuarial note, to the Fiscal Research Division, which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the actuary employed by the system or program affected by the measure. Actuarial notes shall be prepared and transmitted to the sponsor of the measure not later than two weeks after the request is received, unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. The actuarial note shall be attached to the jacket of the measure. The provisions of this subsection may be waived by the measure's sponsor for a

measure affecting local government retirement or pension plans not administered by the State or any local government program of hospital, medical, disability, or related benefits for local government employees not administered by the State.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long-range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any permanent subcommittee or standing committee reports a measure to which an actuarial note is attached at the time of permanent subcommittee or standing committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, the chair of the permanent subcommittee or standing committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the House.

RULE 36.3. **Local Legislation Affecting State Highway System.** – A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 36.4. **Content of Appropriations Bills.** – No provision shall be contained in any of the following bills unless it pertains to the appropriation of money or the raising or reducing of revenue: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium. If a point of order is made against such a provision and is sustained, the presiding officer shall refer the bill to the committee from which it came, with instructions for the chair of the committee to immediately report out a substitute or amendment removing the offending provision.

RULE 37. **Removing Bill From Unfavorable Calendar.** – A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

RULE 38. **Reports on Appropriation and Revenue Bills.** – (a) All standing committees, other than the Standing Committees on Appropriations, when favorably reporting any bill or resolution which:

(1) Carries an appropriation from the State; or

(2) Requires or will require in the future substantial additional State monies from the General Fund or Highway Fund to implement its provisions shall indicate same in the report, and said bill or resolution shall be referred to the Standing Committees on Appropriations for a further report before being acted upon by the House.

(b) All standing committees, other than the Standing Committee on Finance, when favorably reporting any bill which in any way or manner raises revenue, reduces revenue, levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of bonds or notes, whether public, public-local, or private, shall indicate same in the report, and

said bill shall be referred to the Standing Committee on Finance for a further report before being acted upon by the House. This subsection shall not apply to bills only imposing fines, forfeitures, or penalties.

(c) Action on Amendment Before Re-Referral. – If any standing committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the House, must be referred to the Standing Committees on Appropriations or the Standing Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 39. **Discharge Petition.** – (a) A motion to discharge a committee from consideration of a bill may be filed with the Principal Clerk by a primary sponsor of that measure if accompanied by a petition asking that the committee be discharged from further consideration of the bill. No motion may be filed until 10 legislative days after the bill has been referred to the committee. No petition may be filed until notice has been given on the floor of the House that the petition is to be filed and the primary sponsor giving notice has obtained a fiscal note or fiscal memorandum from the Fiscal Research Division on the bill, which note or memorandum shall be attached to the petition. Members may sign the petition only in the office of the Principal Clerk, and when the signatures of 61 members appear on the petition, the Principal Clerk shall place that motion on the calendar for the next legislative day as a special order of business. Members may withdraw their names at any time until 61 names appear. If the motion is adopted by the House, then the committee to which the bill or resolution has been referred is discharged from further consideration of the bill, and that bill is placed on the calendar for the next legislative day as a special order of business. The Principal Clerk shall provide a form for discharge petitions.

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members shall be required.

RULE 39.2. **Re-Referral of Bills From One Standing Committee to Another Standing Committee.** – Upon consent of the sponsor of the bill, the Speaker, the chair of the standing committee from whom the bill is to be re-referred, and the chair of the standing committee to whom the bill is to be re-referred, the chair of the standing committee from whom the bill is to be re-referred or the Chair of the Standing Committee on Rules, Calendar, and Operations of the House may move for a re-referral to another standing committee, and the bill shall be re-referred upon vote of the majority present during a regular session of the House.

RULE 40. **Calendars and Schedules of Business.** – The Clerk of the House shall prepare a daily schedule of business, including the Calendar of Bills and Resolutions for consideration and debate that day, in accordance with the Order of Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the order in which they are introduced. All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)). Except by leave of the House, the Speaker shall not vary from the order.

RULE 41. **Reading of Bills.** – (a) Every bill shall receive three readings in the House prior to its passage. The first reading and reference to standing committee of a House bill shall occur on the next legislative day following its introduction. The first reading and reference to standing committee of a Senate bill shall occur on the next legislative day following its receipt on messages from the Senate. The Speaker shall give notice at each subsequent reading whether it is the second or third reading.

(b) No bill shall be read more than once on the same day without the concurrence of two-thirds of the members present and voting; provided, no bill governed by Section 23 of Article II of the North Carolina Constitution herein shall be read twice on one day under any circumstance.

RULE 42. **Effect of a Defeated Bill.** – (a) Subject to the provisions of subsection (b) of this rule, after a bill has:

(1) Been tabled,
(2) Been postponed indefinitely,
(3) Failed to pass on any of its readings, or
(4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the chair, that measure shall be laid upon the table, and shall not be taken therefrom except by a two-thirds vote of the members present and voting.

(b) No local bill shall be held by the chair to embody the contents of or the principal provisions of the subject matter of any statewide measure which has been laid on the table, has failed to pass on any of its readings, or has been placed on the unfavorable calendar.

RULE 43. **Amendments.** – (a) No amendment to a measure before the House shall be in order unless the amendment is germane to the measure under consideration. A House amendment deleting a previously adopted House amendment shall not be in order, except that this sentence does not apply to amendments adopted under Rule 38(c). No amendment that is clearly unconstitutional shall be in order.

Only one principal (first degree) amendment shall be pending at any one time. If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule it out of order. However, any member desiring to offer a subsequent or substitute principal amendment in opposition to the pending amendment may inform the House by way of argument against the pending amendment that if it is defeated the member proposes to offer another principal amendment, and the member may then read and explain such proposed amendment.

Perfecting (or second degree) amendments may be offered and considered without limitation as to number, and in the event of multiple perfecting amendments, they shall be voted upon in inverse order.

(b) The following rules apply when considering: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium:

(1) Amendments cannot increase total spending within a subcommittee area beyond the total for that subcommittee as shown in the committee report.
(2) Amendments can only affect appropriations within the departments, agencies, or programs within the jurisdiction of the subcommittee.
(3) Amendments cannot increase total spending beyond the total amount shown in the committee report.
(4) Amendments that cause the budget to be unbalanced are not in order.
(5) Amendments cannot spend reversions.
(6) Amendments cannot make nonrecurring reductions to fund recurring items.

RULE 43.1. **Engrossment.** – Bills and resolutions, except those making appropriations, which originate in the House and which are amended, shall be engrossed before being sent to the Senate.

RULE 43.2. **House Concurrence in Senate Amendments to House Bills.** – When the House receives a Senate amendment to a bill originating in the House, it shall be placed on the calendar in accordance with Rule 36(b).

RULE 43.3. **Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Section 23 of Article II of the North Carolina Constitution which reads:

"**Revenue bills.** – No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal."

If the committee substitute was referred to standing committee, the standing committee shall:

(1) Report the bill with the recommendation either that the House do concur or that the House do not concur; and

(2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.

(c) If the committee substitute for a bill is not a material amendment, the question before the House shall be concurrence.

(d) If the committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading, and the question before the House shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(e) No committee substitute adopted by the Senate for a bill originating in the House may be amended by the House.

RULE 44. **Conference Standing Committees.** – (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House, or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the House for a bill originating in the Senate, a conference committee may be appointed by the Speaker upon the Speaker's own motion and shall be appointed upon request by the principal sponsor of the original bill, the chair of the House standing committee which reported the bill, or the sponsor of the amendment in which the Senate refused to concur; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate. In appointing members to conference committees, the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

(b) The conference report may be made by a majority of the House members of such conference committee and shall not be amended. If the Senate has a similar rule, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. If the Senate does not have a similar rule, a conference committee report which includes significant matters that were not in difference between the houses, shall be referred to a standing committee for its recommendation before further action by the House.

(c) If the conferees fail to agree or if either house fails to adopt the report of its conferees, new conferees may be appointed.

(d) No vote shall be taken on adoption of a conference report until the next legislative day following the report, except that no vote shall be taken on adoption of a conference report on either the Current Operations Appropriations Bill or a bill generally revising the Current Operations Appropriations Act until the second legislative day following the report.

RULE 44.1. **Transmittal of Bills to Senate.** – Unless ordered by the Speaker or two-thirds vote of the members present and voting, no bill shall be sent from the House on the day of its passage, except on the last day of the session.

VII. Legislative Officers and Employees

RULE 45. **Elected Officers.** – (a) The House shall elect its Speaker from among its membership.

(b) The House shall elect its Speaker Pro Tempore from among its membership who shall perform such duties as the Speaker may assign.

(c) The House shall elect a Principal Clerk, who shall continue in office until another is elected. The Speaker may appoint a Reading Clerk and shall appoint a Sergeant-at-Arms, both of whom shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent with these rules, as the Speaker may assign. Unless directed otherwise by the Speaker on behalf of the House, the Principal Clerk or an employee designated by the Principal Clerk shall receive House bills not approved by the Governor.

RULE 46. **Assistants to Principal Clerk and Sergeant-at-Arms.** – The Principal Clerk and the Sergeant-at-Arms may appoint, with the approval of the Speaker, such assistants as may be necessary to the efficient discharge of the duties of their respective offices.

RULE 47. **Speaker's Staff; Chaplain; and Pages.** – (a) The Speaker may appoint one or more staff members to the Speaker, a Chaplain of the House, and pages to wait upon the sessions of the House.

(b) When the House is not in session, the pages shall be under the supervision of the Supervisor of Pages.

(c) The Speaker, at the request of a member, may appoint honorary pages.

RULE 48. **Member's Staff.** – (a) Each standing committee and permanent subcommittee shall have a committee assistant. The committee assistant to a standing committee or permanent subcommittee shall serve as staff to the chair of the standing committee or permanent subcommittee.

(b) Each member shall be assigned a legislative assistant, unless the member has a committee assistant to serve as legislative assistant.

(c) The selection and retention of committee assistants, legislative assistants, and office assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Principal Clerk and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of such staff shall commence not earlier than the convening date of the General Assembly and shall terminate not later than the final adjournment or recess of the General Assembly unless employment for an extended period is approved by the Speaker. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations.

RULE 49. **Compensation of Legislative Assistants.** – No clerk, committee assistant, legislative assistant, office assistant, or other person employed or appointed under Rules 46, 47, and 48 hereof shall receive during such employment, appointment, or service any compensation from any department of the State government, and there shall not be voted, paid, or awarded any additional pay, bonus, or gratuity to any of them; but they shall receive only the pay now provided by law for such duties and services. This rule shall not apply to employment, appointment, or service, or to the receipt of compensation or additional pay, bonus, or gratuity from another department of State government between regular sessions of the General Assembly.

VIII. Privileges of the Hall

RULE 50. **Admittance to Floor.** – No person except members, officers, and designated employees of the General Assembly who have been issued identification tags as provided by this rule, and former members of the General Assembly who are not registered under the provisions of Article 2 of Chapter 120C of the General Statutes, shall be allowed on the floor of the House during its session, unless permitted by the Speaker or otherwise provided by law. Employees of the General Assembly shall wear identification tags, approved by the Legislative Services Officer, when on the floor of the House.

RULE 51. **Admittance of Press.** – Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect this object, as shall not interfere with the convenience of the House. Reporters admitted to the floor of the House shall observe the same requirements of attire for members contained in Rule 12(h).

RULE 52. **Extending Courtesies.** – Courtesies of the floor, galleries, or lobby shall be extended at the discretion of the Speaker and only by the Speaker. Requests by members to extend these courtesies shall be delivered to the Speaker. No member shall orally ask the Speaker to extend these courtesies during the daily session.

RULE 53. **Order in House Chamber, Galleries, and Lobby.** – In case of any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

RULE 54. **Attendance of Members.** – No member or officer of the House shall be absent from the service of the House without leave, unless from sickness or disability.

RULE 55. **Documents to Be Signed by the Speaker.** – All acts, addresses, and resolutions and all warrants and subpoenas issued by order of the House shall be signed by the Speaker or other presiding officer.

RULE 56. **Printing or Reproducing Materials.** – There shall be no printing or reproducing of paper(s) that are not legislative in essence except upon approval of the Speaker.

RULE 57. **Placement or Circulation of Materials.** – Persons other than members of the House shall not place or cause to be placed any materials on members' desks in the House Chamber without obtaining approval of the Speaker. Any material placed on members' desks in the House Chamber, or circulated to House members anywhere in the Legislative Building or the Legislative Office Building, shall bear the name of the originator.

RULE 58. **Rules, Rescission, and Alteration.** – (a) These rules shall not be permanently rescinded or altered except by House simple resolution passed by a two-thirds vote of the members present and voting. The introducer of the resolution must on the floor of the House give notice of intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the House upon two-thirds vote of the members present and voting may temporarily suspend any rule.

RULE 59. **Cosponsorship of Bills and Resolutions.** – (a) Any member not listed as a cosponsor on the draft edition who wishes to cosponsor a bill or resolution which has been introduced may do so within 24 hours following the adjournment of the session during which such bill or resolution was first read and referred, but only electronically under procedures approved by the Principal Clerk.

(b) Members wishing to cosponsor legislation prior to preparation of the draft should indicate such to the drafter at the time the bill is requested and before filing the bill with the Principal Clerk's office. The names of the members who are the primary sponsors shall be listed in the order requested by them, followed by the words (Primary Sponsors); and the remaining names of such members cosponsoring shall follow on the draft edition and first edition. No more than four members may be listed as primary sponsors. Names of persons

cosponsoring bills thereafter under subsection (a) of this Rule do not appear on subsequent editions but shall be listed in the bill status system as cosponsors.

(c) No member shall permit anyone, other than that member's committee assistant, legislative assistant, office assistant, or another member, to have possession of and solicit for bill or resolution cosponsorship, the jacket of a bill or resolution.

RULE 60. **Correcting of Typographical Errors.** – The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions provided that such corrections are made before ratification and do not conflict with any actions or rules of the Senate and provided further that such correction be approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker, or other presiding officer.

RULE 61. **Assignment of Seats.** – After initial assignment of seats, a member shall continue to occupy the seat to which initially assigned until assigned a permanent seat; once assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of vacancy, that member's successor will occupy the seat of the member replaced for the remainder of the biennial session.

RULE 61.1. **Office Assignments.** – The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall assign to each member an office space. When available, chairs of standing committees and permanent subcommittees shall be assigned an office adjacent to the room in which the standing committee or permanent subcommittee generally meets if the Chair so desires. The Speaker shall be assigned an office of his or her choice.

RULE 61.2. **Convening and Assigning Seats in the New House.** – (a) The Principal Clerk of the previous House of Representatives shall convene the House of Representatives at 12:00 noon on the date established by law for the convening of each regular session and preside over the body until the members elect a Speaker. In the case of a vacancy, inability, or refusal to so serve, the duty shall devolve upon the Sergeant-at-Arms of the prior House, and in the case of a vacancy in that office, or inability or refusal to so serve, the duty shall devolve upon the Reading Clerk of the prior House.

(b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House of the prior House to assign temporary seats to the members of the House of Representatives in its Chamber. In the case of the inability or refusal to serve of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker of the prior House of Representatives shall appoint a person to assign seats to members of the House of Representatives in its Chamber. In the event that the party that had a majority of members in the prior House will no longer have a majority of members in the new House, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the duty of the person nominated as Speaker by the majority party caucus for the new House, or some member-elect designated by the Speaker-nominee. In the event no party will have a majority, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the joint duty of one person chosen each by the caucuses of the two parties having the greatest numbers of members.

RULE 62. **Matters Not Covered in These Rules.** – Except as herein set out, the rules of Mason's Manual of Legislative Procedure, 2010 Edition, shall govern the operation of the House. Custom and usage may supplement these rules or Mason's Manual, but may not supercede them.

SECTION 2. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 19
PROPOSED COMMITTEE SUBSTITUTE H19-PCS30089-RC-2

Sponsors:

Referred to:

February 1, 2011

A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2011 REGULAR SESSION.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Session of the House of Representatives of the 2011 General Assembly are:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE REGULAR SESSION OF THE 2011 GENERAL ASSEMBLY OF NORTH CAROLINA

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I. Order of Business

RULE 1. **Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2011, no sessions may be held on Friday. Without leave of the House, no session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No session shall be held on Sunday.

RULE 1.1. **Emergencies.** In the event of a disaster, natural or otherwise, that precludes the General Assembly from meeting in the Legislative Building, the members will be notified by the Speaker where and when the House will convene.

RULE 2. **Opening the Session.** – At the convening hour on each legislative day, the Speaker shall call the members to order and shall have the session opened with prayer. At the convening hour on the first day of each legislative week, the Speaker, or the Speaker's designee, shall lead the members in the Pledge of Allegiance to the American Flag.

RULE 3. **Quorum.** – (a) A quorum consists of a majority of the qualified members of the House.

(b) Should the point of a quorum be raised, the doors shall be closed, and the Clerk shall call the roll of the House, after which the names of those not responding shall again

be called. In the absence of a quorum, 15 members are authorized to compel the attendance of absent members and may order that absentees for whom no sufficient excuses are made be taken into custody wherever they may be found by special messenger appointed for that purpose.

RULE 4. **Approval of Journal.** – (a) The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall cause the Journal of the House to be examined daily before the hour of convening to determine if the proceedings of the previous day have been correctly recorded.

(b) Immediately following the opening prayer and upon appearance of a quorum, the Speaker shall call for the Journal report by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, or by a Representative designated by the Chair, as to whether the proceedings of the previous day have been correctly recorded. Without objection, the Speaker shall cause the Journal to stand approved.

RULE 5. **Order of Business of the Day.** – After the approval of the Journal of the preceding day, except by leave of the House, the House shall proceed to business in the following order:

(1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
(1a) Messages from the Governor;
(2) Ratification of bills;
(3) Reports of standing committees and permanent subcommittees;
(4) Reports of select committees;
(5) Reports of referral by standing committee Chairs of bills to permanent subcommittees;
(6) First reading and reference to committee of bills and resolutions;
(7) Messages from the Senate;
(8) Concurrence with Senate amendments or Senate committee substitutes;
(9) The unfinished business of the preceding day;
(10) Calendar (each category in accordance with Rule 40 – House bills first):
  a. Resolutions for adoption
  b. Conference reports for adoption
  c. Local bills (roll call), third reading
  d. Local bills (roll call), second reading
  e. Local bills, third reading
  f. Local bills, second reading
  g. Public bills (roll call), third reading
  h. Public bills (roll call), second reading
  i. Public bills and resolutions, third reading
  j. Public bills and resolutions, second reading;
(11) Reading of notices and announcements.

II. Conduct of Debate

RULE 6. **Duties and Powers of the Speaker.** – The Speaker shall have general direction of the Hall, subject to more specific provisions of these rules. The Speaker may name any member to perform the duties of the chair, but substitution shall not extend beyond one day, except in the case of sickness or by leave of the House. If the Speaker is absent and has not designated a member or the Principal Clerk to perform the duties of the chair, the Speaker Pro Tempore shall preside during such absence. In the case of a vacancy in the office of the Speaker of the House of Representatives, the Principal Clerk shall preside over the House until the House elects a Speaker.

RULE 7. **Obtaining Floor.** – (a) When any member desires recognition for any purpose, the member shall rise and respectfully address the Speaker. No member shall proceed until recognized by the Speaker for a purpose.

(b) When a member desires to interrupt a member having the floor, the member shall first obtain recognition by the Speaker and permission of the member occupying the floor, and when such recognition and permission have been obtained, he or she may propound a question to the member occupying the floor; but he or she shall not otherwise interrupt the member having the floor, except as provided in subsection (c) of this rule; and the Speaker shall, without the point of order being raised, enforce this rule.

(c) A member who has obtained the floor may be interrupted only for the following reasons:

(1) A request that the member speaking yield for a question,

(2) A point of order,

(3) A parliamentary inquiry, or

(4) A question of privilege.

RULE 8. **Questions of Privilege.** – Upon recognition by the Speaker for that purpose, any member may speak to a question of privilege for a time not to exceed three minutes. Questions of privilege shall be those affecting, first, the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence over all other questions, except motions to adjourn. Privilege may not be used to explain a vote or debate a bill. The Speaker shall determine if the question is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 9. **Points of Order.** – (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A three-fifths vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated, except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from the ruling of the chair and the decision by a three-fifths vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House, requires it, the member shall be liable to censure by the House.

RULE 10. **Limitations on Debate.** – (a) No member shall speak on, debate, or solicit cosponsors for a bill or resolution at its first reading.

(b) No member shall speak more than twice on the main question nor longer than 15 minutes for the first speech and five minutes for the second speech; nor shall the member speak more than twice upon an amendment or motion to reconsider, re-refer, appeal, or postpone or any motion on concurrence, and then not longer than 10 minutes for the first speech and five minutes for the second speech.

(c) A member may speak only once and for not more than 10 minutes on the question of the adoption of a minority report.

(d) In computing the time allowed for argument, the time consumed in answering questions should be considered and is taken out of any time allowed that member.

(e) The House, by consent of a majority of the members present, may suspend the operation of subsections (b) through (d) of this rule during any debate on any particular question before the House.

RULE 11. **Reading of Papers.** – When there is a call for the reading of the text of a paper which has been presented to the House and there is objection to such reading, the question shall be determined by a majority vote of the members of the House present. Except

for protests permitted by the Constitution, no member may have material printed in the Journal until said material has been presented to the House and the printing approved by the House, and said material shall not exceed 1,000 words.

RULE 12. **General Decorum.** – (a) The Speaker shall preserve order and decorum.

(b) Decency of speech shall be observed and disrespect to personalities carefully avoided.

(c) When the Speaker is putting any question, or addressing the House, no person shall speak, stand up, walk out of, or cross the House nor, when a member is speaking, engage in disruptive discourse or pass between the member and the chair.

(d) Food or beverages shall not be permitted on the floor of the House during the first two hours of the daily session.

(e) The reading of newspapers shall not be permitted on the floor of the House while the House is in session.

(f) The consumption of food or beverages shall not be permitted in the galleries at any time.

(g) Special recitals and performances by musicians or other groups shall not be permitted on the floor of the House; and special guests of members of the House shall not be permitted on the floor of the House.

(h) Members shall observe appropriate attire, coat and tie for male members and dignified dress for female members.

(i) The use of wireless telephones shall not be permitted in the House Chamber.

(j) Placards, stickers, or signs are not permitted in the House Chamber.

III. Motions

RULE 13. **Motions Generally.** – (a) Every motion shall be reduced to writing if the Speaker or any two members request it. No motion relating to a bill shall be in order which does not identify the bill by its number and short title.

(b) When a motion is made, it shall be stated by the Speaker, or, if written, it shall be handed to the chair and read aloud by the Speaker or Clerk before debate.

(c) After a motion has been stated by the Speaker or read by the Speaker or Clerk, it shall be in the possession of the House; but it may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be in possession of the House and shall not be withdrawn without leave of the House.

RULE 14. **Motions, Order of Precedence.** – When there are motions before the House, the order of precedence is as follows:

To adjourn.
To recess.
To lay on the table.
Previous question.
To postpone indefinitely.
To reconsider.
To postpone to a day certain.
To re-refer.
To amend an amendment.
To amend.
To pass the bill.

No motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to re-refer, or to make a particular amendment, being decided, shall be again allowed at the same stage of the bill or proposition.

RULE 15. **Motion to Adjourn.** – (a) A motion to adjourn shall be seconded before the motion is put to the vote of the House.

(b) A motion to adjourn shall be decided without debate and shall always be in order, except when the House is voting or some member is speaking; but a motion to adjourn shall not follow a motion to adjourn until debate or some other business of the House has intervened.

RULE 16. **Motion to Table.** – (a) A motion to table shall be seconded before the motion is put to the vote of the House and is in order except when a motion to adjourn or to recess is before the House.

(b) A motion to table shall be decided without debate.

(c) A motion to table a bill shall constitute a motion to table the bill and all amendments thereto.

(d) When the question before the House is the adoption of an amendment to a bill or resolution, a motion to table the bill is not in order; and a motion to table an amendment applies to the amendment only, and the motion may not expressly or by implication or construction be expanded to include a motion to table the bill also.

(e) When a question has been tabled, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to remove from the table approved by a two-thirds vote.

RULE 17. **Motion to Postpone Indefinitely.** – A motion to postpone indefinitely is in order except when a motion to adjourn or to lay on the table or for the previous question or to recess is before the House. However, after one motion to postpone indefinitely has been decided, another motion to postpone indefinitely shall not be allowed at the same stage of the bill or proposition. When a question has been postponed indefinitely, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to place on the favorable calendar approved by a two-thirds vote.

RULE 18. **Motion to Reconsider.** – (a) When a question has been decided, it is in order for any member to move for the reconsideration thereof on the same or the succeeding legislative day; provided that if the vote by which the motion was originally decided was taken by a recorded vote, only a member of the prevailing side may move for reconsideration.

(b) A motion to reconsider shall be determined by a majority vote, except the following shall require a two-thirds vote: a second or subsequent motion to reconsider and a motion to reconsider:

(1) A vote upon a motion to table,
(2) A motion to postpone indefinitely,
(3) A motion to remove a bill from the unfavorable calendar,
(4) A motion that a bill be read twice on the same day, or
(5) A motion to remove from the table.

(c) A motion to reconsider the vote by which a person has been elected as Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be suspended except by a vote of three-fifths of all the members of the House.

RULE 19. **Previous Question.** – (a) The previous question may be called only by:

(1) The Chair of the Committee on Rules, Calendar, and Operations of the House;
(2) The Majority Leader;
(3) The member submitting the report on the bill or other matter under consideration;
(4) The member introducing the bill or other matter under consideration;
(5) The member in charge of the measure, who shall be designated by the chair of the standing committee or permanent subcommittee reporting the same to the House at the time the bill or other matter under consideration is reported to the House or taken up for consideration.

(b) The previous question shall be as follows: "Shall the main question now be put?" When the call for the previous question has been decided in the affirmative by a majority vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn, motion to recess, or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

(e) After the previous question is ordered, the Majority Leader and the Minority Leader may each allocate three minutes of debate on the question. The Majority Leader and the Minority Leader may each designate another member to act under this subsection in their absence.

IV. Voting

RULE 20. **Use of Electronic Voting System.** – (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
   a. Raising money on the credit of the State,
   b. Pledging the faith of the State for the payment of a debt,
   c. Imposing a State tax, or
   d. Authorizing a county, municipality, or other local governmental unit to
      1. Raise money on its credit,
      2. Pledge its faith for the payment of a debt, or
      3. Impose a local tax.

(2) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.

(3) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.

(4) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.

(b) Votes on the following questions shall be taken on the electronic voting system:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.

(2) Upon a call for division.

(3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.

(c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. Once the system is locked, the vote shall be recorded and printed.

(d) The voting station at each member's desk in the Chamber shall be used only by the member to which the station is assigned. Under no circumstances shall any other person vote at a member's station. It is a breach of the ethical obligation of a member either to request that another person vote at the requesting member's station or to vote at another member's station. The Speaker shall enforce this rule without exception.

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.

(g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic voting system, the Speaker shall announce that fact to the House, and any partial electronic voting system voting record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered that a malfunction caused an error in the electronic voting system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the House.

(h) For the purpose of identifying motions on which the vote is taken on the electronic voting system, the motions are coded as follows:

(1) To adjourn.
(2) To recess.
(3) To lay on the table.
(4) Previous question.
(5) To postpone indefinitely.
(6) To reconsider.
(7) To postpone to a day certain.
(8) To re-refer.
(9) To amend an amendment.
(10) To amend.
(11) To concur or not concur.
(12) Miscellaneous.

RULE 21. **Voice Votes; Stating Questions.** – (a) All other votes except those required to be taken on the electronic voting system shall be taken by voice vote.

(b) When a voice vote is taken, the Speaker shall put the question substantially as follows: "Those in favor (as the question may be) will say 'Aye'," and after the affirmative voice has been expressed, "Those opposed will say 'No'."

(c) No statement, explanation, debate, motion, parliamentary inquiry, or point of order shall be allowed once the voice vote has begun. Any point of order or parliamentary inquiry may be raised, however, after the completion of the vote.

RULE 22. **Determining Questions.** – (a) Unless otherwise provided by the Constitution of North Carolina or by these rules, all questions shall be determined by a simple majority of the members present and voting.

(b) No member may vote unless the member is in the Chamber when the question is put. This subsection of this rule cannot be suspended.

RULE 23. **Voting by Division.** – Any member may call for a division of the members upon the question before the result of the vote has been announced. Upon a call for a division, the Speaker shall cause the number voting in the affirmative and in the negative to be determined. Upon a division and count of the House on any question, no member away from the member's seat shall be counted.

RULE 24. **Roll Call Vote.** – (a) Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote.

(b) Every member who is in the Hall of the House when the question is put shall vote upon a call of the ayes and noes, unless excused pursuant to Rule 24.1A.

(c) No member may change a vote without leave of the House, but such leave shall not be granted if it affects the result.

RULE 24.1A. **Excuse From Deliberations and Voting on a Bill.** – (a) Any member shall, upon request, be excused in advance from the deliberations and voting on a particular bill at any time that the reason for the request arises in the proceedings on the bill.

(b) The member may make a brief oral statement of the reasons for making the request. The member shall provide to the Principal Clerk, on a form provided by the Clerk, a concise written statement of the reason for the request, and the Clerk shall include this statement in the Journal.

(c) Except as provided in subsection (e) of this section, the member so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill, in committee or on the floor of the House at any reading, or any subsequent consideration of the bill.

(d) A member may request that his or her excuse from deliberations on a particular bill be withdrawn.

(e) By leave of the House, a member who has been excused from deliberations and voting on a bill may participate in deliberations and votes on amendments to which that member does not have any conflict that requires excusal.

RULE 24.1B. **Division of Amendments.** – Any member may call for an amendment to be divided into two or more amendments to be voted on separately, and the Speaker shall determine whether the amendment admits of such a division.

RULE 25. **Voting by Speaker.** – In all elections the Speaker may vote. In all other instances the Speaker may vote or may reserve this right until there is a tie in which event the Speaker may vote; but in no instance may the Speaker vote twice on the same question.

V. Committees

RULE 26. **Standing Committees and Permanent Subcommittees Generally.** – (a) The Speaker shall appoint a chair, or cochairs, of every standing committee, permanent subcommittee, and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

(b) The Speaker shall establish the number of members of each standing committee and standing subcommittee, and appoint the members in a manner to reflect the partisan membership of the House, except that the Committee on Ethics shall have an equal number of members of the majority and minority.

(c) Before appointing members of committees and subcommittees, the Speaker shall consult with the Minority Leader. The Speaker and Minority Leader shall consider members' committee preferences in making appointments and recommendations.

(d) The Speaker may not appoint new members to committees or permanent subcommittees after April 15 of an odd-numbered year or at any time during an even-numbered year except to fill vacancies caused by the resignation, death, removal, or inability to serve of a

member. As to select committees established after March 1 of an odd-numbered year or during an even-numbered year, the Speaker may not appoint new members more than 60 calendar days after the select committee is established, except to fill vacancies caused by the resignation, death, removal, or inability to serve of a member.

(e) Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.

(f) A maximum of two chairs of a standing committee are entitled to vote in a permanent subcommittee of the standing committee.

(g) Either the chair or acting chair, designated by the chair or by the Speaker, and five other members of the standing committee or permanent subcommittee, or a majority of the standing committee or permanent subcommittee, whichever is fewer, shall constitute a quorum of that standing committee or permanent subcommittee. A quorum of less than a majority of all the members must include at least one member of the minority party.

(h) In any joint meeting of the Senate and House committees or subcommittees, the House standing committee or permanent subcommittee reserves the right to vote separately.

RULE 26.1. **Mentions of Standing Committee Includes Select Committee.** – Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. **List of Standing Committees and Permanent Subcommittees.** – The standing committees and permanent subcommittees thereof are:

Committees	Subcommittees
Agriculture	(None)
Appropriations	-Education -General Government -Health and Human Services -Justice and Public Safety -Natural and Economic Resources -Transportation
Banking	(None)
Commerce and Job Development	-Alcoholic Beverage Control -Business and Labor -Science and Technology
Education	(None)
Elections	(None)
Environment	(None)
Ethics	(None)
Finance	(None)
Government	(None)

Health and Human Services	-Mental Health
Homeland Security, Military, and Veterans Affairs	(None)
Insurance	(None)
Judiciary	-Judiciary A -Judiciary B -Judiciary C
Public Utilities	(None)
Redistricting	(None)
Rules, Calendar, and Operations of the House	(None)
State Personnel	(None)
Transportation	(None)

RULE 28. **Standing Committee and Permanent Subcommittee Meetings.** – (a) Standing committees and permanent subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule established by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

(b) Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.

(c) The Chair or other presiding officer shall have general direction of the meeting place of the standing committee or permanent subcommittee, and, in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the Chair or presiding officer shall have power to exclude from the session any individual or individuals so hindering the legislative business.

(d) Procedure in the standing committees and permanent subcommittees shall be governed by the rules of the House, so far as the same may be applicable to such procedure. Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically and shall be subject to Rule 21(c).

(e) No standing committee or permanent subcommittee shall meet on any day when the House shall not convene except by permission of the Speaker or by approval of the House by resolution adopted by a majority vote of the House.

(f) No standing committee or permanent subcommittee shall meet during any session of the House. Standing committees and permanent subcommittees shall meet at their regularly scheduled hour. No permanent subcommittee shall meet at the same time that its standing committee is meeting. Standing committees and permanent subcommittees may meet

at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House in order to assure the availability of the meeting room and that no conflicts will exist with the meetings of other bodies. All standing committee and permanent subcommittee meetings shall adjourn no later than:

(1) 15 minutes preceding a regular session of the House, and

(2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

Action taken by a committee in violation of this rule is voidable unless taken by unanimous consent at a meeting at which a majority of all the members of the committee are present, and at least one member present is of the minority party.

(g) Any call or notice of a standing committee or permanent subcommittee meeting between legislative sessions shall be sent by electronic mail to each member of the standing committee or permanent subcommittee at least five days prior to such meeting. If a member of the body so requests in writing to the chair of the standing committee or permanent subcommittee, the member shall be notified of the meetings by mail at a designated address.

(h) During standing committee and permanent subcommittee meetings, the chair may exercise the right to vote, or may reserve this right until there is a tie, in which event the chair may vote, but in no instance may the chair vote twice on the same question.

RULE 28.1. **Ethics Committee Investigations Into Violations of the Open Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

(b) If, after such preliminary investigation as it may make, the Committee determines to proceed with an inquiry into the conduct of any individual, the Committee shall notify the individual as to the fact of the inquiry and the charges against the individual and shall schedule one or more hearings on the matter. The individual shall have the right to present evidence, cross-examine witnesses, and be represented by counsel at any hearings.

(c) After the Committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions:

(1) Dismiss the complaint and take no further action.

(2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.

(3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.

(4) Refer the matter to the House for appropriate action.

RULE 29. **Notice of Standing Committee and Permanent Subcommittee Meetings and Hearings.** – (a) Notice of meetings of standing committees and permanent subcommittees that will occur at the regularly scheduled meeting times shall be given by one or both of the following methods:

(1) Notice given openly at a session of the House; or

(2) Notice mailed or sent by electronic mail to those who have requested notice, and to the Legislative Services Office, which shall post the notice on the General Assembly Web site.

(b) Notice of all other meetings shall be given in the House. If the meeting is scheduled to occur after adjournment, notice shall also be given by electronic mail and posting on the General Assembly Web site.

(c) The chair of the standing committee or permanent subcommittee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the standing committee or permanent subcommittee as to the date, time, and place of that meeting.

RULE 29.1. **Public Hearings.** – (a) Requests for a public hearing shall be made in writing to the chair of the standing committee and, if applicable, the chair of the permanent subcommittee to which the bill has been referred. The chair of the standing committee may schedule a public hearing by the standing committee as a whole after the adjournment of a regular daily House session. The chair of the permanent subcommittee may schedule a public hearing before the permanent subcommittee at its regularly scheduled hour. Denial of a request made by a House member may be appealed to the Speaker.

Notice shall be given not less than five calendar days prior to public hearings. These notices shall be issued as information for the press and shall be posted in the places designated by the Principal Clerk.

(b) Persons desiring to appear and be heard at a public hearing shall submit their requests to the chair of the standing committee or permanent subcommittee. The standing committee or permanent subcommittee chair may designate one or more members to arrange the order of appearance of interested parties. A brief written statement of testimony may be submitted without oral presentation and shall be incorporated into the minutes of the public hearing.

RULE 29.2. **Minutes to Legislative Library.** – The chair of a standing committee or a permanent subcommittee shall ensure that written minutes are compiled for each of the body's meetings. The minutes shall indicate the members present and the actions taken at the meeting. Not later than 10 days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. **Committee of the Whole House.** – (a) A Committee of the Whole House shall not be formed, except by leave of the House.

(b) After passage of a motion to form a Committee of the Whole House, the Speaker shall appoint a chair to preside in the committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. **Introduction of Bills and Resolutions.** – (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds

for any purpose, but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Amendments to captions of bills are in order only if the amendment is germane to the bill. Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

(e) A Substitute Bill shall be covered with the same color jacket as the original bill and shall be prefaced as follows: "House Committee Substitute for_____."

(f) House Resolutions need not be read more than twice.

(g) All memorializing, celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction and consideration in the House. The mention of a deceased person as a pretext to honor an institution or a living person is prohibited.

(h) Any reference in these rules to bills shall extend to resolutions unless the context requires otherwise.

RULE 31.1. **Deadlines on Introduction and Receipt; No Blank Bills; Ten Bill Limit; Single Subject Rule.** – (a) All local bills must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, March 16, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 30, 2011.

(b) All public bills or resolutions recommended by commissions or standing committees authorized or directed by act or resolution of the General Assembly to report to the 2011 Regular Session of the General Assembly, or to report prior to convening of that session, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, March 1, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 9, 2011; and

(c) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Tuesday, March 8, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, March 16, 2011. A bill introduced under this subsection shall be identified as an Agency Bill after its short title or in the drafting code.

(d) All public bills which would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 and all joint resolutions and House resolutions must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Thursday, March 24, 2011, and must be introduced not later than 1:00 P.M. on Wednesday, April 6, 2011.

(e) All public bills which under Rule 38 are required to be re-referred to either or both of the Appropriations Committee or the Finance Committee, must be submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, April 20, 2011, and must be introduced not later than 3:00 P.M. on Wednesday, May 4, 2011. If any bill is subject to the deadline under this subsection and the bill is amended so that all the provisions requiring referral to either or both of those committees under Rule 38 do not remain in the bill, it is not eligible for further consideration.

(f) A bill containing no substantive provisions may not be introduced in the House.

(g) No member may introduce more than 10 public bills. For the purpose of this subsection, the introducer is the member who is listed as the first sponsor. This subsection does

not apply to bills or resolutions recommended by commissions or committees authorized or directed by act or resolution of the General Assembly to report to the 2011 Regular Session of the General Assembly, or to report prior to convening of that session. This subsection does not apply to joint resolutions or House resolutions.

(h) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committee under Rule 38 or adjournment resolutions must be received and read on the floor of the House as a message from the Senate no later than Thursday, May 12, 2011; provided that a message from the Senate received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule.

(i) Except by motion approved by a majority of members of the House present and voting, no public House bill other than the Current Operations Appropriations Act or the Capital Improvement Appropriations Act may contain more than one subject.

(j) This rule, other than subsections (f), (g), and (i), does not apply to bills (i) establishing districts for Congress or State or local entities, or (ii) ratifying an amendment or amendments to the Constitution of the United States. This rule does not apply to resolutions adjourning the General Assembly sine die or to a date certain.

RULE 32. **Reference to Standing Committee and to Permanent Subcommittee; Serial Referrals.** – (a) Each bill not introduced on the report of a standing committee shall immediately upon its first reading be referred by the Speaker to such standing committee, committee of the whole, or permanent subcommittee as the Speaker deems appropriate. The Speaker at the same time may order that, if the bill is reported with any favorable recommendation or without prejudice, it be re-referred automatically upon the committee report to another committee or permanent subcommittee designated in the order. Each joint resolution or House resolution not introduced on the report of a standing committee shall immediately upon its first reading either be referred by the Speaker to a standing committee or permanent subcommittee or be calendared on the date designated by the Speaker, as the Speaker deems appropriate.

(b) The standing committee chair may refer each bill referred to the standing committee to the permanent subcommittee specifically charged with the subject matter of the bill. A report of that referral shall be made in writing and submitted to the body pursuant to Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to which the bill is referred shall report the bill back to the full standing committee. That subcommittee report shall include one of the following recommendations:

(1) Favorable, without prejudice, or unfavorable as to the original bill with the recommendation that the report be made to the standing committee;

(2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee;

(3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee;

(4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;

(5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or

(6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair, and unfavorable to the original bill.

Any recommendation of favorable or without prejudice may include a recommendation of re-referral to another standing committee. After a bill is reported to a standing committee by a permanent subcommittee of that standing committee, the standing committee chair may re-refer the bill to another permanent subcommittee of that standing committee.

Upon recommendation to the standing committee, the bill shall be before that body for further action unless the permanent subcommittee chair reports the bill directly pursuant to Rule 36.

RULE 33. **Papers Addressed to the House.** – Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker. A brief statement of the contents thereof may be made orally by the introducer before reference to a committee, but such papers shall not be debated or decided on the day of their first being read unless the House shall direct otherwise.

RULE 34. **Introduction of Resolutions and Bills, Copies Required.** – (a) House Bills shall be designated as "H.B.___." (No. following). A Joint Resolution shall be designated as "H.J.R. ___." (No. following). A House Resolution shall be designated as "H.R.___." (No. following).

(b) Whenever any resolution or bill is filed for introduction, it shall be in a House bill jacket containing the number of copies designated by the Principal Clerk and in the form designated by the Speaker. Any resolution or bill not accompanied by the required number of copies shall be returned immediately to the introducer. The Clerk shall stamp the copies with the number stamped upon the original bill.

(c) No bill may be filed for introduction if the draft contains names preprinted on the bill jacket and body of the bill (either as primary sponsors or cosponsors) unless each such member has signed the jacket.

RULE 35. **Duplicating and Availability of Copies of Bills.** – (a) The Legislative Services Officer shall cause such bills as are introduced to be duplicated in such numbers as may be specified by the Speaker. Copies shall be placed in the Printed Bills Room and made available to the committees to which the bill is referred, to individual members on request, and to the general public.

(b) A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the House.

RULE 35.1. **Assessment Reports.** – (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board, as defined in Article 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House an assessment report from the Legislative Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board. Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days.

(b) Every legislative proposal introduced in the House or received in the House from the Senate, proposing the incorporation of a municipality shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the House or

by any committee of the House prior to a favorable report, a recommendation from the Joint Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint Legislative Commission on Municipal Incorporations shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

RULE 36. **Report by Standing Committee or Permanent Subcommittee.** – (a) **Reports.** – Bills and resolutions may be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make. With the written approval of the chair of the standing committee and with the recommendation of the subcommittee pursuant to Rule 32(b)(4) through (6), the chair of the permanent subcommittee may report the bill directly to the floor with that recommendation. If a permanent subcommittee recommends reporting a bill to the floor and the chair of the standing committee fails to give approval, the bill shall be deemed to have been reported to the standing committee with the same recommendation as the subcommittee would have made to the House.

(b) **Favorable Report.** – When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day designated by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, but not on the same day that it is reported except by leave of the House, and no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

(1) The bill is re-referred to the Committee on Appropriations or Committee on Finance under Rule 38 or was serially referred under Rule 32; or

(2) The bill has not yet been placed on the calendar, and the Speaker refers the bill to another committee.

In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House orally in the House or in writing to the Principal Clerk. When a committee substitute is adopted and receives a favorable report by the committee or permanent subcommittee, the standing committee or permanent subcommittee chair shall submit to the standing committee or permanent subcommittee the question of an unfavorable report on the original bill. The standing committee's or permanent subcommittee's action, if any, on the original bill shall be reported at the same time the committee substitute is reported.

(c) **Report Without Prejudice.** – When a standing committee reports a bill without prejudice, the bill shall be placed on the favorable calendar in the same manner as provided in subsection (b) of this rule.

(d) **Postponed Indefinitely.** – When a standing committee reports a bill with the recommendation that it be postponed indefinitely and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(e) **Unfavorable Report.** – When a standing committee reports a bill with the recommendation that it not be passed and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(f) **Minority Report.** – When a bill is reported by a standing committee with a recommendation that it not be passed or that it be postponed indefinitely but it is accompanied by a minority report signed by at least one-fourth of the members of the standing committee who were present and voting when the bill was considered in standing committee, the question before the House shall be: "The adoption of the minority report." If the minority report is adopted by majority vote, the bill shall be placed on the favorable calendar for consideration. If the minority report fails of adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

RULE 36.1. **Fiscal Notes.** – (a) The Chair or Cochair of the Appropriations Committee, of the Finance Committee, or of the Standing Committee on Rules, Calendar, and Operations of the House, upon the floor of the House, may request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of the House and that a fiscal note be attached to the measure, which request shall be allowed when, in the opinion of the Speaker, the fiscal effects of that measure are not apparent from the language of the measure. When a request is properly made under this subsection, the bill is removed from the calendar until such time that the fiscal note is attached to the measure.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Speaker, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

(c) The fiscal note shall be prepared by the Fiscal Research Division on a form approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided. The fiscal note shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note available to the membership of the House.

(d) A sponsor of a bill or amendment may deliver a copy of the bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when filed or to the amendment when its adoption is moved.

(e) The sponsor of a bill or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing the objections. These objections shall be appended to the fiscal note attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the Current Operations Appropriations Bill or the Capital Improvement Appropriations Bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 36.2. **Actuarial Notes.** – (a) Every bill or resolution proposing any change in the law relative to any:

(1) State, municipal, or other retirement system funded in whole or in part out of public funds; or

(2) Program of hospital, medical, disability, or related benefits provided for teachers and State employees, funded in whole or in part by State funds;

shall have attached to it at the time of its consideration by any standing committee or permanent subcommittee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee or any permanent subcommittee, shall be separate therefrom, and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on State Personnel upon its introduction in accordance with G.S. 120-111.3.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with a request for an actuarial note, to the Fiscal Research Division, which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. Actuarial notes shall be prepared in the order of receipt of request and shall be

transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the actuary employed by the system or program affected by the measure. Actuarial notes shall be prepared and transmitted to the sponsor of the measure not later than two weeks after the request is received, unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. The actuarial note shall be attached to the jacket of the measure. The provisions of this subsection may be waived by the measure's sponsor for a measure affecting local government retirement or pension plans not administered by the State or any local government program of hospital, medical, disability, or related benefits for local government employees not administered by the State.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long-range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any permanent subcommittee or standing committee reports a measure to which an actuarial note is attached at the time of permanent subcommittee or standing committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, the chair of the permanent subcommittee or standing committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the House.

RULE 36.3. **Local Legislation Affecting State Highway System.** – A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 36.4. **Content of Appropriations Bills.** – No provision shall be contained in any of the following bills unless it pertains to the appropriation of money or the raising or reducing of revenue: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium. If a point of order is made against such a provision and is sustained, the presiding officer shall refer the bill to the committee from which it came, with instructions for the chair of the committee to immediately report out a substitute or amendment removing the offending provision.

RULE 37. **Removing Bill From Unfavorable Calendar.** – A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

RULE 38. **Reports on Appropriation and Revenue Bills.** – (a) All standing committees, other than the Standing Committees on Appropriations, when favorably reporting any bill or resolution which:

(1) Carries an appropriation from the State; or

(2) Requires or will require in the future substantial additional State monies from the General Fund or Highway Fund to implement its provisions shall indicate same in the report, and said bill or resolution shall be referred to the Standing Committees on Appropriations for a further report before being acted upon by the House.

(b) All standing committees, other than the Standing Committee on Finance, when favorably reporting any bill which in any way or manner raises revenue, reduces revenue, levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of bonds or notes, whether public, public-local, or private, shall indicate same in the report, and said bill shall be referred to the Standing Committee on Finance for a further report before being acted upon by the House. This subsection shall not apply to bills only imposing fines, forfeitures, or penalties.

(c) Action on Amendment Before Re-Referral. – If any standing committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the House, must be referred to the Standing Committees on Appropriations or the Standing Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 39. **Discharge Petition.** – (a) A motion to discharge a committee from consideration of a bill may be filed with the Principal Clerk by a primary sponsor of that measure if accompanied by a petition asking that the committee be discharged from further consideration of the bill. No motion may be filed until 10 legislative days after the bill has been referred to the committee. No petition may be filed until notice has been given on the floor of the House that the petition is to be filed and the primary sponsor giving notice has obtained a fiscal note from the Fiscal Research Division on the bill, which note shall be attached to the petition. Members may sign the petition only in the office of the Principal Clerk, and when the signatures of 61 members appear on the petition, the Principal Clerk shall place that motion on the calendar for the next legislative day as a special order of business. Members may withdraw their names at any time until 61 names appear. If the motion is adopted by the House, then the committee to which the bill or resolution has been referred is discharged from further consideration of the bill, and that bill is placed on the calendar for the next legislative day as a special order of business. The Principal Clerk shall provide a form for discharge petitions.

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members shall be required.

RULE 39.2. **Re-Referral of Bills From One Standing Committee to Another Standing Committee.** – Upon consent of the sponsor of the bill, the Speaker, the chair of the standing committee from whom the bill is to be re-referred, and the chair of the standing committee to whom the bill is to be re-referred, the chair of the standing committee from whom the bill is to be re-referred or the Chair of the Standing Committee on Rules, Calendar, and Operations of the House may move for a re-referral to another standing committee, and the bill shall be re-referred upon vote of the majority present during a regular session of the House.

RULE 40. **Calendars and Schedules of Business.** – The Clerk of the House shall prepare a daily schedule of business, including the Calendar of Bills and Resolutions for consideration and debate that day, in accordance with the Order of Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the order in which they are introduced. All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)). Except by leave of the House, the Speaker shall not vary from the order.

RULE 41. **Reading of Bills.** – (a) Every bill shall receive three readings in the House prior to its passage. The first reading and reference to standing committee of a House bill shall occur on the next legislative day following its introduction. The first reading and reference to standing committee of a Senate bill shall occur on the next legislative day

following its receipt on messages from the Senate. The Speaker shall give notice at each subsequent reading whether it is the second or third reading.

(b) No bill shall be read more than once on the same day without the concurrence of two-thirds of the members present and voting; provided, no bill governed by Section 23 of Article II of the North Carolina Constitution herein shall be read twice on one day under any circumstance.

RULE 42. **Effect of a Defeated Bill.** – (a) Subject to the provisions of subsection (b) of this rule, after a bill has:

(1) Been tabled,
(2) Been postponed indefinitely,
(3) Failed to pass on any of its readings, or
(4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the chair, that measure shall be laid upon the table, and shall not be taken therefrom except by a two-thirds vote of the members present and voting.

(b) No local bill shall be held by the chair to embody the contents of or the principal provisions of the subject matter of any statewide measure which has been laid on the table, has failed to pass on any of its readings, or has been placed on the unfavorable calendar.

RULE 43. **Amendments.** – (a) No amendment to a measure before the House shall be in order unless the amendment is germane to the measure under consideration. A House amendment deleting a previously adopted House amendment shall not be in order, except that this sentence does not apply to amendments adopted under Rule 38(c). No amendment that is clearly unconstitutional shall be in order.

Only one principal (first degree) amendment shall be pending at any one time. If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule it out of order. However, any member desiring to offer a subsequent or substitute principal amendment in opposition to the pending amendment may inform the House by way of argument against the pending amendment that if it is defeated the member proposes to offer another principal amendment, and the member may then read and explain such proposed amendment.

Perfecting (or second degree) amendments may be offered and considered without limitation as to number, and in the event of multiple perfecting amendments, they shall be voted upon in inverse order.

(b) The following rules apply when considering: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium:

(1) Amendments cannot increase total spending within a subcommittee area beyond the total for that subcommittee as shown in the committee report.
(2) Amendments can only affect appropriations within the departments, agencies, or programs within the jurisdiction of the subcommittee.
(3) Amendments cannot increase total spending, from any source, beyond the total amount shown in the committee report.
(4) Amendments that cause the budget to be unbalanced are not in order.
(5) Amendments cannot spend reversions.
(6) Amendments cannot make nonrecurring reductions to fund recurring items.

RULE 43.1. **Engrossment.** – Bills and resolutions, except those making appropriations, which originate in the House and which are amended, shall be engrossed before being sent to the Senate.

RULE 43.2. **House Concurrence in Senate Amendments to House Bills.** – When the House receives a Senate amendment to a bill originating in the House, it shall be placed on the calendar in accordance with Rule 36(b).

RULE 43.3. **Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Section 23 of Article II of the North Carolina Constitution which reads:

"**Revenue bills.** – No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal."

If the committee substitute was referred to standing committee, the standing committee shall:

(1) Report the bill with the recommendation either that the House do concur or that the House do not concur; and

(2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.

(c) If the committee substitute for a bill is not a material amendment, the question before the House shall be concurrence.

(d) If the committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading, and the question before the House shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(e) No committee substitute adopted by the Senate for a bill originating in the House may be amended by the House.

RULE 44. **Conference Standing Committees.** – (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House, or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the House for a bill originating in the Senate, a conference committee may be appointed by the Speaker upon the Speaker's own motion and shall be appointed upon request by the principal sponsor of the original bill, the chair of the House standing committee which reported the bill, or the sponsor of the amendment in which the Senate refused to concur; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate. In appointing members to conference committees, the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

(b) The conference report may be made by a majority of the House members of such conference committee and shall not be amended. If the Senate has a similar rule, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. If the Senate does not have a similar rule, a conference committee report which includes significant matters that were not in

difference between the houses, shall be referred to a standing committee for its recommendation before further action by the House.

(c) If the conferees fail to agree or if either house fails to adopt the report of its conferees, new conferees may be appointed.

(d) No vote shall be taken on adoption of a conference report until the next legislative day following the report, except that no vote shall be taken on adoption of a conference report on either the Current Operations Appropriations Bill or a bill generally revising the Current Operations Appropriations Act until the second legislative day following the report.

RULE 44.1. **Transmittal of Bills to Senate.** – Unless ordered by the Speaker or two-thirds vote of the members present and voting, no bill shall be sent from the House on the day of its passage, except on the last day of the session.

VII. Legislative Officers and Employees

RULE 45. **Elected Officers.** – (a) The House shall elect its Speaker from among its membership.

(b) The House shall elect its Speaker Pro Tempore from among its membership who shall perform such duties as the Speaker may assign.

(c) The House shall elect a Principal Clerk, who shall continue in office until another is elected. The Speaker may appoint a Reading Clerk and shall appoint a Sergeant-at-Arms, both of whom shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent with these rules, as the Speaker may assign. Unless directed otherwise by the Speaker on behalf of the House, the Principal Clerk or an employee designated by the Principal Clerk shall receive House bills not approved by the Governor.

RULE 46. **Assistants to Principal Clerk and Sergeant-at-Arms.** – The Principal Clerk and the Sergeant-at-Arms may appoint, with the approval of the Speaker, such assistants as may be necessary to the efficient discharge of the duties of their respective offices.

RULE 47. **Speaker's Staff; Chaplain; and Pages.** – (a) The Speaker may appoint one or more staff members to the Speaker, a Chaplain of the House, and pages to wait upon the sessions of the House.

(b) When the House is not in session, the pages shall be under the supervision of the Supervisor of Pages.

(c) The Speaker, at the request of a member, may appoint honorary pages.

RULE 48. **Member's Staff.** – (a) Each standing committee and permanent subcommittee shall have a committee assistant. The committee assistant to a standing committee or permanent subcommittee shall serve as staff to the chair of the standing committee or permanent subcommittee.

(b) Each member shall be assigned a legislative assistant, unless the member has a committee assistant to serve as legislative assistant.

(c) The selection and retention of committee assistants, legislative assistants, and office assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Principal Clerk and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of such staff shall commence not earlier than the convening date of the General Assembly and shall terminate not later than the final adjournment or recess of the General Assembly unless employment for an extended period is approved by the Speaker. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations.

RULE 49. **Compensation of Legislative Assistants.** – No clerk, committee assistant, legislative assistant, office assistant, or other person employed or appointed under

Rules 46, 47, and 48 hereof shall receive during such employment, appointment, or service any compensation from any department of the State government, and there shall not be voted, paid, or awarded any additional pay, bonus, or gratuity to any of them; but they shall receive only the pay now provided by law for such duties and services. This rule shall not apply to employment, appointment, or service, or to the receipt of compensation or additional pay, bonus, or gratuity from another department of State government between regular sessions of the General Assembly.

VIII. Privileges of the Hall

RULE 50. **Admittance to Floor.** – No person except members, officers, and designated employees of the General Assembly who have been issued identification tags as provided by this rule, and former members of the General Assembly who are not registered under the provisions of Article 2 of Chapter 120C of the General Statutes, shall be allowed on the floor of the House during its session, unless permitted by the Speaker or otherwise provided by law. Employees of the General Assembly shall wear identification tags, approved by the Legislative Services Officer, when on the floor of the House.

RULE 51. **Admittance of Press.** – Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect this object, as shall not interfere with the convenience of the House. Reporters admitted to the floor of the House shall observe the same requirements of attire for members contained in Rule 12(h).

RULE 52. **Extending Courtesies.** – Courtesies of the floor, galleries, or lobby shall be extended at the discretion of the Speaker and only by the Speaker. Requests by members to extend these courtesies shall be delivered to the Speaker. No member shall orally ask the Speaker to extend these courtesies during the daily session.

RULE 53. **Order in House Chamber, Galleries, and Lobby.** – In case of any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

RULE 54. **Attendance of Members.** – No member or officer of the House shall be absent from the service of the House without leave, unless from sickness or disability.

RULE 55. **Documents to Be Signed by the Speaker.** – All acts, addresses, and resolutions and all warrants and subpoenas issued by order of the House shall be signed by the Speaker or other presiding officer.

RULE 56. **Printing or Reproducing Materials.** – There shall be no printing or reproducing of paper(s) that are not legislative in essence except upon approval of the Speaker.

RULE 57. **Placement or Circulation of Materials.** – Persons other than members of the House shall not place or cause to be placed any materials on members' desks in the House Chamber without obtaining approval of the Speaker. Any material placed on members' desks in the House Chamber, or circulated to House members anywhere in the Legislative Building or the Legislative Office Building, shall bear the name of the originator.

RULE 58. **Rules, Rescission, and Alteration.** – (a) These rules shall not be permanently rescinded or altered except by House simple resolution passed by a two-thirds vote of the members present and voting. The introducer of the resolution must on the floor of the House give notice of intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the House upon two-thirds vote of the members present and voting may temporarily suspend any rule.

RULE 59. **Cosponsorship of Bills and Resolutions.** – (a) Except by leave of the primary sponsor, no member may be listed as an additional primary sponsor on a bill after the bill has been filed. Any member not listed as a cosponsor on the draft edition who wishes to

cosponsor a bill or resolution which has been introduced may do so by 5:00 p.m. of the calendar day following the adjournment of the session during which such bill or resolution was first read and referred, but only electronically under procedures approved by the Principal Clerk.

(b) Members wishing to cosponsor legislation prior to preparation of the draft should indicate such to the drafter at the time the bill is requested and before filing the bill with the Principal Clerk's office. The names of the members who are the primary sponsors shall be listed in the order requested by them, followed by the words (Primary Sponsors); and the remaining names of such members cosponsoring shall follow on the draft edition and first edition. No more than four members may be listed as primary sponsors. Names of persons cosponsoring bills thereafter under subsection (a) of this Rule do not appear on subsequent editions but shall be listed in the bill status system as cosponsors.

(c) No member shall permit anyone, other than that member's committee assistant, legislative assistant, office assistant, or another member, to have possession of and solicit for bill or resolution cosponsorship, the jacket of a bill or resolution.

RULE 60. **Correcting of Typographical Errors.** – The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions provided that such corrections are made before ratification and do not conflict with any actions or rules of the Senate and provided further that such correction be approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker, or other presiding officer.

RULE 61. **Assignment of Seats.** – After initial assignment of seats, a member shall continue to occupy the seat to which initially assigned until assigned a permanent seat; once assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of vacancy, that member's successor will occupy the seat of the member replaced for the remainder of the biennial session.

RULE 61.1. **Office Assignments.** – The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall assign to each member an office space. When available, chairs of standing committees and permanent subcommittees shall be assigned an office adjacent to the room in which the standing committee or permanent subcommittee generally meets if the Chair so desires. The Speaker shall be assigned an office of his or her choice.

RULE 61.2. **Convening and Assigning Seats in the New House.** – (a) The Principal Clerk of the previous House of Representatives shall convene the House of Representatives at 12:00 noon on the date established by law for the convening of each regular session and preside over the body until the members elect a Speaker. In the case of a vacancy, inability, or refusal to so serve, the duty shall devolve upon the Sergeant-at-Arms of the prior House, and in the case of a vacancy in that office, or inability or refusal to so serve, the duty shall devolve upon the Reading Clerk of the prior House.

(b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House of the prior House to assign temporary seats to the members of the House of Representatives in its Chamber. In the case of the inability or refusal to serve of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker of the prior House of Representatives shall appoint a person to assign seats to members of the House of Representatives in its Chamber. In the event that the party that had a majority of members in the prior House will no longer have a majority of members in the new House, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the duty of the person nominated as Speaker by the majority party caucus for the new House, or some member-elect designated by the Speaker-nominee. In the event no party will have a majority, then the duty assigned in this subsection to the Chair of the

Committee of the prior House shall instead be the joint duty of one person chosen each by the caucuses of the two parties having the greatest numbers of members.

RULE 62. **Matters Not Covered in These Rules.** – Except as herein set out, the rules of Mason's Manual of Legislative Procedure, 2010 Edition, shall govern the operation of the House. Custom and usage may supplement these rules or Mason's Manual, but may not supercede them.

SECTION 2. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE JOINT RESOLUTION 17
Rules and Operations of the Senate Committee Substitute Adopted 2/7/11
Third Edition Engrossed 2/8/11

Sponsors:

Referred to:

February 2, 2011

A JOINT RESOLUTION TO ESTABLISH THE JOINT REGULATORY REFORM COMMITTEE.

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

SECTION 1. Purpose. – There is hereby established the Joint Regulatory Reform Committee, hereinafter called the Committee, which shall work to create a strong environment for private sector job creation by lifting the undue burden imposed by outdated, unnecessary, and vague rules.

SECTION 2. Membership. – (a) The Committee consists of 18 members appointed as follows:

(1) Nine members of the Senate appointed by the President Pro Tempore of the Senate, three of whom are members of the Senate Agriculture/Environment/Natural Resources Committee and three of whom are members of the Senate Commerce Committee.

(2) Nine members of the House of Representatives appointed by the Speaker of the House of Representatives, three of whom are members of the House Environment Committee and three of whom are members of the House Commerce and Job Development Committee.

SECTION 2.(b) Members serve at the pleasure of the appointing authority.

SECTION 3. Powers. – The Joint Regulatory Reform Committee has the following powers and duties:

(1) Hold meetings and receive input from the public, regulated community, and agencies regarding outdated, unnecessary, unduly burdensome, or vague rules and rule-making procedures that are an impediment to private sector job creation.

(2) Evaluate the reform suggestions presented during the public comment process and determine which warrant introduction and consideration during the 2011 Session of the General Assembly in 2011 or 2012.

(3) Review the rule-making process to determine if the procedures for adopting rules give adequate consideration to the potential impact on job creation.

(4) Report to the General Assembly concerning any recommendations for statutory changes.

SECTION 4. Consideration of recommendations. – Notwithstanding any rule or joint resolution to the contrary, proposed legislation to implement any recommendation of the Committee may be introduced and considered during the 2011 Regular Session of the General Assembly through sine die adjournment.

SECTION 5. Organization. – (a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate cochairs of the Committee. The Committee shall meet upon the joint call of the cochairs.

SECTION 5.(b) A quorum of the Committee is eight members. No action may be taken except by a majority vote at a meeting at which a quorum is present.

SECTION 5.(c) While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

SECTION 5.(d) The Committee shall submit its final report by May 1, 2012.

SECTION 6. Expenses of members. – Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Committee may also meet at other locations.

SECTION 7. Staffing. – The Legislative Services Commission, through the Legislative Services Office, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Directors of Legislative Assistants of the Senate and of the House of Representatives shall assign clerical staff to the Committee.

SECTION 8. This resolution is effective upon ratification and expires December 31, 2012.

HOUSE RESOLUTION 88*

Sponsors:	Representative West (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

February 15, 2011

A HOUSE RESOLUTION HONORING CLAY COUNTY ON ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

Whereas, Clay County was formed from Cherokee County 150 years ago on February 20, 1861, by an act of the General Assembly; and

Whereas, Clay County was named for Henry Clay, a Kentucky legislator, United States senator, and the Secretary of State under President John Quincy Adams; and

Whereas, the Town of Hayesville, the County's seat of government, was named for George W. Hayes, a member of the North Carolina General Assembly who played a major role in the formation of the county; and

Whereas, Clay County is known for its scenic views of the Blue Ridge Mountains and exceptional natural resources; and

Whereas, Clay County has a population of approximately 10,000 people; and

Whereas, Clay County has contributed to the social, economic, cultural, and political prosperity of the State of North Carolina; and

Whereas, Clay County has continued to grow and prosper through the continued dedication, insight, and planning of the County's concerned leaders and citizens; and

Whereas, plans have been made to celebrate the County's 150th historic anniversary throughout the year; and

Whereas, this occasion is worthy of celebration and should be enjoyed and supported by all North Carolinians; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the founders of Clay County and encourages the citizens of this State to join Clay County in demonstrating respect for their history and heritage during the County's 150th anniversary.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Chair of the Clay County Board of Commissioners.

SECTION 3. This resolution is effective upon adoption.

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 2/16/11 **Room:** 1228

House Sgt-At Arms:

1. **Name:** Jonny Bae
2. **Name:** EARL COKER
3. **Name:** _____
4. **Name:** _____
5. **Name:** _____

Senate Sgt-At Arms:

1. **Name:** _____
2. **Name:** _____
3. **Name:** _____
4. **Name:** _____
5. **Name:** _____

HOUSE PAGES

NAME OF COMMITTEE Rules DATE 2/16/11

1. Name: Jessica Pope
   County: Nash
   Sponsor: Jeff Collins
2. Name: Kelia Williams
   County: Wake
   Sponsor: Rosa Gill
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

VISITOR REGISTRATION SHEET

Rules — 2/16/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dirk Carter	NAJ
Cody Thomas	NCAR
Jami Hayes	NCHBA
Daniel Auburn	NCLM
JOHN GOODMAN	NC CHAMBER
David McGowan	NCAR
JERRY COHEN	Poll Drafting
Ken Melton	K.M.A.
Paul Pulley	NCAJ
Amy Hobbs	Spkr's Off
Dick Taylor	NCAJ

2011-2012

HOUSE RULES

MINUTES

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
March 1, 2011

The Committee on Rules, Calendar and Operations of the house met on March 1, 2011 at 4:42 pm in Room 643 of the Legislative Office Building. The following members were present, Representative LaRoque Chair, Representative T. Moore Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Crawford, Faison, Farmer-Butterfield, Hackney, Hill, Jeffus, Johnson, Luebke, Moffitt, Parmon, Samuelson, Stam, Stone.

Rep LaRoque recognized the Sergeant-at-Arms

The following bills and resolutions were considered:

HB 25- A BILL TO BE ENTITLED AN ACT DESIGNATING MARCH SIXTH OF EACH YEAR AS LYMPHEDEMA AWARENESS DAY. (Representative Cotham, Primary Sponsor) Chair Moore recognized Rep. Cotham to explain the bill. Rep. Johnson moved that the bill be given a favorable report.. No debate or discussion Vote called. Motion passed with a favorable report.

HB 69- A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF IRENE PACE HAIRSTON, FORSYTH COUNTY EDUCATOR AND CIVIC LEADER (Representatives Womble and Parmon, Primary Sponsors) Rep Womble explained the bill. Rep. Farmer-Butterfield moved that the bill be adopted. No Discussion or debate. Vote called. HB 69 passed with recommendation that the bill be adopted.

HB 141- A HOUSE RESOLUTION HONORING THE TOWN OF BOILING SPRINGS ON ITS 1 NTENNIAL CELEBRATION (Representatives T. Moore, Hager, and Hastings, Primary Sponsors) Rep. ore explained the bill. No discussion and debate on the bill. Rep. Owens moved that the resolution be adopted. Vote called. Motion Carried.

HB-146 - A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF MARCH OF EACH YEAR AS KIDNEY MONTH IN NORTH CAROLINA (Representatives Parfitt and Insko, Primary Sponsors) Rep. Owens set forth an Proposed Committee Substitute for the bill. Rep. Johnson motioned to accept the proposed Committee substitute. Rep Parfitt explained the bill. Rep Fasion motioned in favor of the proposed committee substitute, unfavorable to the original bill. Vote called. Proposed Committee Substitute pass.

HB-87 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION. (Representatives LaRoque and T. Moore, primary sponsors) HB-87 was removed from calendar and will be discussed in the next committee meeting.

Meeting Adjured at 4:52

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rule Committee Assistant

Lisa Kennedy (Rep. LaRoque)

From:	Lisa Kennedy (Rep. LaRoque)
Sent:	Tuesday, March 01, 2011 4:28 PM
To:	Rep. Tricia Cotham; Rep. Larry Womble; Rep. Earline W. Parmon; Rep. Mike Hager; Rep. Kelly Hastings; Rep. Diane Parfitt; Rep. Verla Insko
Cc:	Rosa Kelley (Rep. Cotham); Dorothy McLean (Rep. Womble); Pat Christmas (Rep. Parmon); Christine Brenco (Rep. Hager); Leslie Sutter (Rep. Hastings)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tue, 03-01-2011 at 10 Minutes after session - CORRECTED

Corrected Notice Room 643

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

BILL SPONSOR NOTIFICATION

2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, March 1, 2011

TIME: 10 Minutes after session

LOCATION: 643 LOB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 25	Lymphedema Awareness Day.	Representative Cotham
R 69	Honor Irene Pace Hairston.	Representative Womble
		Representative Parmon
HB 87	Sunshine Amendment.	Representative LaRoque
		Representative Moore
HR 141	Boiling Springs' 100th Anniversary.	Representative Moore
		Representative Hager
		Representative Hastings
HB 146	Designate Kidney Month.	Representative Parfitt
		Representative Insko

Respectfully,

Representative LaRoque, Chair

Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **March 01, 2011**.

Principal Clerk

Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

10 minutes after session

March 1, 2011

643 LB

Representative Stephen LaRoque Presiding

Remarks:

HB 25	Lymphedema Awareness Day.	Representative Cotham
HR 69	Honor Irene Pace Hairston.	Representative Womble
		Representative Parmon
HB 87	Sunshine Amendment.	Representative LaRoque
		Representative Moore
HR 141	Boiling Springs' 100th Anniversary.	Representative Moore
		Representative Hager
		Representative Hastings
HB 146	Designate Kidney Month.	Representative Parfitt
		Representative Insko

Adjourn

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 146 A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF MARCH OF EACH YEAR AS KIDNEY MONTH IN NORTH CAROLINA.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 141 A HOUSE RESOLUTION HONORING THE TOWN OF BOILING SPRINGS ON ITS CENTENNIAL CELEBRATION.

☒ With recommendation that it be adopted.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 25 A BILL TO BE ENTITLED AN ACT DESIGNATING MARCH SIXTH OF EACH YEAR AS LYMPHEDEMA AWARENESS DAY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 69 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF IRENE PACE HAIRSTON, FORSYTH COUNTY EDUCATOR AND CIVIC LEADER.

☒ With recommendation that it be adopted.

(FOR JOURNAL USE ONLY)

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

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

HOUSE RESOLUTION 69

Sponsors:	Representatives Womble and Parmon (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

February 14, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF IRENE PACE HAIRSTON, FORSYTH COUNTY EDUCATOR AND CIVIC LEADER.

Whereas, Irene Pace Hairston was born in Pfafftown, North Carolina, to Luther Wiley Pace and Maude Clodfelter Pace; and

Whereas, Irene Pace Hairston graduated from Columbia Heights High School in Winston-Salem and earned a bachelor's degree from Winston-Salem Teacher's College (now Winston-Salem State University) and a master's degree from North Carolina Agricultural and Technical State University; and

Whereas, Irene Pace Hairston served as an educator in Forsyth County for 42 years, during which time she took a special interest in exposing her students to drama and the performing arts; and

Whereas, Irene Pace Hairston was loyal to her college alma mater, serving as a member of the Board of Trustees at Winston-Salem State University and playing a significant role in helping the University revitalize its nursing program; and

Whereas, Irene Pace Hairston was a leader in her community, serving as an invaluable member of the Board of Directors of the Winston-Salem Urban League, as vice-chair of the City/County Planning Board from 1980 to 1996, as a member of the Forsyth County Public Library Board for 23 years, serving eight consecutive terms as chair; and

Whereas, Irene Pace Hairston was a delegate to the White House Conference on Information Services in 1991 and a founding member of Leadership Winston-Salem, and served as a member of the American Association of University Women, the Association of Retired Teachers, Friendship Force, the Family Services West Central Community Center Board, the Winston-Salem Chapter of the MOLES, and the Winston-Salem Chapter of the Holidays Bridge Club; and

Whereas, Irene Pace Hairston was admired by all who came to know her and was honored by many organizations, including being named "Woman of the Year" by the Winston-Salem Chronicle in 1992, and receiving a Doctor of Humane Letters honorary degree from Winston-Salem State University in 1993, the American Library Association's National Outstanding Trustee Citation in 1997, and the Winston-Salem Urban League's Community Service Award; and

Whereas, Irene Pace Hairston was a lifelong member of the Bethlehem AME Zion Church in Pfafftown, serving as a trustee and stewardess; and

Whereas, Irene Pace Hairston died on June 17, 2010, at the age of 96; and

Whereas, Irene Pace Hairston was married to the late Walter Moore Hairston, and is survived by a daughter, Lois Pace Hairston-Turner, and grandchildren, Carter J. Turner, II, Tiffany Sante' Turner, and Demetrius Shore; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Irene Pace Hairston and expresses the appreciation of the citizens of this State for the service she rendered her community.

SECTION 2. The House of Representatives extends its sympathy to the family of Irene Pace Hairston for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Irene Pace Hairston.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 25

Short Title:	Lymphedema Awareness Day.	(Public)
Sponsors:	Representative Cotham (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 2, 2011

A BILL TO BE ENTITLED

AN ACT DESIGNATING MARCH SIXTH OF EACH YEAR AS LYMPHEDEMA AWARENESS DAY.

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. Lymphedema Awareness Day.**

The sixth of March of each year is designated as Lymphedema Awareness Day in North Carolina."

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

HOUSE BILL 146

Short Title:	Designate Kidney Month.	(Public)
Sponsors:	Representatives Parfitt and Insko (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 21, 2011

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE MONTH OF MARCH OF EACH YEAR AS KIDNEY MONTH IN NORTH CAROLINA.

Whereas, North Carolina ranks ninth in the nation for the percentage of persons that require kidney replacement therapy for kidney failure; and

Whereas, North Carolina spends five billion dollars per year on kidney disease-related health expenses; and

Whereas, one in nine North Carolinians is at risk for developing chronic kidney disease (CKD); and

Whereas, an increasing number of North Carolinians are at risk for developing CKD due to our aging population, our level of obesity, plus the complications of diabetes and hypertension; and

Whereas, almost half of those who currently have CKD may have been able to prevent contracting this disease had they known the risk factors; and

Whereas, early detection and treatment of CKD may prevent undue suffering, the need for dialysis treatments, and kidney transplantation, and decrease the financial burden of CKD on the State; and

Whereas, the month of March is recognized as National Kidney Month; and

Whereas, observing the month of March as Kidney Month in the State of North Carolina would help to promote public awareness of CKD; 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. Kidney Month.**

The month of March of each year is designated as Kidney Month in North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE RESOLUTION 141

Sponsors:	Representatives T. Moore, Hager, and Hastings (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

February 21, 2011

A HOUSE RESOLUTION HONORING THE TOWN OF BOILING SPRINGS ON ITS CENTENNIAL CELEBRATION.

Whereas, the Town of Boiling Springs, located in Cleveland County, was settled around 1843 by families, including the Hamricks, Greenes, and McSwains; and

Whereas, the Town of Boiling Springs was named for water bubbling from two underground springs; and

Whereas, the Town of Boiling Springs was incorporated by the General Assembly on March 3, 1911, as a result of legislation introduced by Senator O. Max Gardner, a Cleveland County legislator, who later became Governor of North Carolina; and

Whereas, the Town of Boiling Springs' first officers were Mayor D.J. Hamrick; Aldermen D.S. Lovelace, E.B. Hamrick, C.M. Hamrick, J.L. Pruett, and John F. Moore; and Marshal J. Lester Green; and

Whereas, the Town of Boiling Springs is home to Gardner-Webb University, which began as a Baptist boarding school in 1905; and

Whereas, at the time of incorporation, the Town of Boiling Springs had 250 citizens and in 2009, had 4,301 citizens; and

Whereas, in 2011 the Town of Boiling Springs continues to grow, improve, and prosper through the continued dedication, insight, and planning of concerned leaders and citizens; and

Whereas, the 100th anniversary of the Town of Boiling Springs is worthy of celebration and should be enjoyed and supported by all North Carolinians; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives wishes to honor the founders of the Town of Boiling Springs and extends its sincere congratulations and best wishes to the Town of Boiling Springs upon the Town's centennial anniversary.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Mayor of the Town of Boiling Springs.

SECTION 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 146
PROPOSED COMMITTEE SUBSTITUTE H146-PCS30118-TG-2

Short Title: Designate Kidney Month. (Public)

Sponsors:

Referred to:

February 21, 2011

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE MONTH OF MARCH OF EACH YEAR AS KIDNEY MONTH IN NORTH CAROLINA.

Whereas, North Carolina ranks ninth in the nation for the percentage of persons that require kidney replacement therapy for kidney failure; and

Whereas, North Carolina spends five billion dollars per year on kidney disease-related health expenses; and

Whereas, one in nine North Carolinians is at risk for developing chronic kidney disease (CKD); and

Whereas, an increasing number of North Carolinians are at risk for developing CKD due to our aging population, our level of obesity, plus the complications of diabetes and hypertension; and

Whereas, almost half of those who currently have CKD may have been able to prevent contracting this disease had they known the risk factors; and

Whereas, early detection and treatment of CKD may prevent undue suffering, the need for dialysis treatments, and kidney transplantation, and decrease the financial burden of CKD on the State; and

Whereas, the month of March is recognized as National Kidney Month; and

Whereas, observing the month of March as Kidney Month in the State of North Carolina would help to promote public awareness of CKD; 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:

"**§ 103-13. Kidney Month.**

The month of March of each year is designated as Kidney Month in North Carolina."

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

VISITOR REGISTRATION SHEET

Rules — 3-1-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matt Hamell	NCSBA
Kevin Leonard	NCACC
Lawless Bean	City of Wilmington
Daniel Ambrose	NCLM
Paige Fitzgerald	Rep. Folwell

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
March 8, 2011

The Committee on Rules, Calendar and Operations of the house met on March 8, 2011 at 1:07 pm in Room 421 of the Legislative Office Building. The following members were present: Representative LaRoque Chair, Representative T. Moore Chair, Representative Rhyne Vice Chair, Representatives Alexander, Blust, Daughtry, Faison, Hackney, Hilton, Jeffus, Luebke, Moffitt, Samuelson, Stam, and Stone.

Rep. Rhyne presided. Rep Rhyne recognized the Pages and Sergeant-at-Arms.

The following bill was considered:

HB 87-BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION (Representatives LaRoque and T. Moore, Primary Sponsors) Representative Moffitt motioned Proposed Committee Substitute to be before the committee. Motion passed. Representative LaRoque explained the bill. Discussion and debate on the bill. Members of the pubic were recognized to debate the bill: Charles Marshal, NC Press, Paul Myer, NCLM. Eddie Caldwell, NC Sheriff Association, Leanne Winner, NCSBA, Kevin Leonard, NCACC. More discussion and debate on the bill.

No vote was made on the bill.

Rep. Daughtry motioned for adjournment. Meeting Adjourned at 1:35.

Respectfully submitted:

Rep Johnathan Rhyne
Vice Chair

Lisa Kennedy
Rule Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, March 8, 2011
TIME: 1:00 pm
LOCATION: 425 LB
COMMENTS: Members of the Public will be allotted time to speak on HB 87.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 42	Honor John A. Garwood.	Representative Randleman
HB 87	Sunshine Amendment.	Representative LaRoque Representative Moore

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **March 04, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 87
PROPOSED COMMITTEE SUBSTITUTE H87-CSRC-4 [v.2]

3/8/2011 10:20:29 AM

Short Title: Sunshine Amendment. (Public)

Sponsors:

Referred to:

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article XIV of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 6. Access to public records and meetings.**

(1) Every person has the right to inspect or copy any public record made or received in connection with the public business of any agency, public officer, or official of the State, or persons acting on their behalf, except with respect to records exempted pursuant to this Section. This Section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, governmental subdivisions, units of local government, and special districts; and every office, board, commission, or entity created pursuant to law or this Constitution.

(2) All meetings of any public body of the executive branch of State government or of any public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this Section.

(3) This Section is self-executing. The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of records from the requirements of subsection (1) of this Section and the exemption of meetings from the requirements of subsection (2) of this Section, provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this Section, including the maintenance, control, destruction, disposal, and disposition of records made public by this Section, except that each house of the General Assembly may adopt rules governing the enforcement of this Section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsection (1) or (2) of this Section and provisions governing the enforcement of this Section and shall relate to one subject.

(4) All law in effect on January 1, 2013, that limits public access to records or meetings shall remain in force until amended or repealed. Rules of court that are in effect on January 1, 2013, that limit access to records shall remain in effect until they are repealed."

SECTION 2. The amendments set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election on November 6, 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendments providing that all State and local government public records are open to inspection and copying, and all State and local government meetings are open to the public, subject in either case to general law passed by three-fifths vote in each house of the General Assembly providing for exemptions in case of public necessity."

SECTION 3. If a majority of votes cast on the question are in favor of the constitutional amendment set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State. The constitutional amendment is effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

HOUSE PCS 87:
Sunshine Amendment

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	March 8, 2011
Introduced by:	Reps. LaRoque, T. Moore	**Prepared by:**	Kory Goldsmith Committee Counsel
Analysis of:	PCS to First Edition H87-CSRC-4		

SUMMARY: ***House Bill 87 proposes to amend the North Carolina Constitution to make access to public records and meetings of public bodies a constitutional right. The amendment would be placed before the voters in the November, 2012 statewide general election. If adopted, all exemptions in place as of January 1, 2013, would continue. Any proposed changes to create new exemptions would have to pass by a super majority vote of each chamber. Under the 1st edition of the bill, the supermajority would have been by a two-thirds vote of the members present and voting in each chamber. Under the PCS, the supermajority would be by a three-fifths vote. The PCS also makes confirming changes so the language of the proposed constitutional amendment tracks existing statutes.***

CURRENT LAW:

Public Records - Chapter 132 of the General Statues contains the primary group of statutes related to public records. G.S. 132-1, as interpreted by the courts, provides that any document, regardless of its form (paper, electronic, audio recording, etc.) made or received pursuant to law or ordinance in connection with the transaction of public business (including records kept in carrying out lawful duties) by an agency of North Carolina government or its subdivisions is a public record. "Agency of North Carolina government or its subdivisions" means every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

The public official in charge of an office having public records is the custodian of the records (G.S. 132-2), and the custodian must permit any person to examine and inspect any public record in the custodian's custody. The custodian shall also furnish copies "as promptly as possible". (G.S. 132-6(a)) Public agencies are not required to create or compile a record that does not exist. (G.S. 132-6.2(e)

Agencies may charge the actual cost of making copies. (G.S. 132-6.2(b)) A person requesting public records cannot be required to disclose the purpose or motive for the request (G.S. 132-6(b)), but may be required to submit the request in writing. If a request is denied, the denial must be accompanied by an explanation of the basis for the denial. (G.S. 132-6.2(c)

A person who is denied access to public records may seek a court order compelling disclosure provided the person has attempted to settle the matter through mediation (G.S. 132- 9(a) and G.S. 7A-38.3E) A court may order the payment of reasonable attorney's fees to a party seeking public records who substantially prevails. Attorneys' fees may not be assessed if the court finds the governmental body or governmental unit acted in reasonable reliance on any of the following:

(1) A judgment or an order of a court applicable to the governmental unit or governmental body.

(2) The published opinion of an appellate court, an order of the North Carolina Business Court, or a final order of the Trial Division of the General Court of Justice.

(3) A written opinion, decision, or letter of the Attorney General.

There are numerous exemptions to the public records law. Some of these exemptions are located in Chapter 132, such as exemptions for confidential communications by legal counsel to a public board, confidential trade secrets, criminal investigations, and sensitive public security information. Others are located elsewhere in the law, such as exclusions for certain information in public employee personnel files (Chapters 115C, 115D, 116, 126, 153A and 160A), individual tax returns (Chapter 105), certain insurance information (Chapter 58) and certain legislative documents (Chapter 120).

Open Meetings - Article 33C of Chapter 143 of the General Statutes provides that the hearings, deliberations and actions of public bodies that administer the legislative, policy-making, quasi-judicial, administrative and advisory functions of North Carolina and its political subdivisions shall be conducted openly. (G.S. 143-318.9) Unless an exemption applies, any person is entitled to attend these meetings (G.S. 143-318.10(a). Subject to certain exceptions, a "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. (G.S. 143-318.10(b)) An "official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction of the public body. :A social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of the law. (G.S. 143-318.10(d) Public meetings must be properly noticed (G.S. 143-318.12(a)), and public bodies must keep full and accurate minutes of what transpires (G.S. 143-318.10(e)). Radio and television stations are entitled to broadcast any portion of a public meeting and individuals may photograph, film, tape-record or otherwise reproduce any part of an open meeting. (G.S. 143-318.14(a)

Public bodies may hold closed sessions under specified circumstances. For example, a public body may go into closed session in order to prevent disclose of information that is otherwise confidential under state or federal law, to consult with an attorney, to deal with certain personnel matters and to hear reports related to alleged criminal misconduct. (G.S .143-318.11(a) Certain bodies are exempt from the open meetings law. These include petite and grand juries, the Judicial Standards Commission, the Legislative Ethics Committee, a conference committee of the General Assembly, law enforcement agencies and the General Court of Justice. (G.S. 143-318. 18)

BILL ANALYSIS:

Section 1 of HB87 proposes an amendment to the North Carolina Constitution to make access to public records and open meetings a constitutional right. The provisions related to public records specifically apply to legislative, executive and judicial branches of government, as well as local units of government, boards and commissions created by law or the constitution. The provisions related to open meetings apply to public bodies of the executive branch of State government, units of local government, and each house of the General Assembly. Any exemptions (by law or court rules) to the open meetings or public records laws that are in effect as of January 1, 2013, would remain in effect unless and until repealed. The General Assembly could enact additional exemptions, but only if it followed specific procedures. First, the bill would have to state with specificity the public necessity justifying the exemption and the exemption could be no broader than necessary to accomplish the stated purpose of the law. Second, the bill could only contain provisions related to the proposed exemption and no other subject. In addition,

ıe legislation would have to pass by at least a three-fifths majority of the members present and voting in ach chamber.

Section 2 would place the proposed constitutional amendment on the ballot for the November, 2012 statewide general election. Pursuant to Article XIII, Sec. 4 of the North Carolina Constitution, submission of a new State constitutional amendment to the voters first requires the underlying legislation pass by a a three-fifths vote of all the members of each chamber. Legislation proposing an amendment to the State constitution is not subject to the Governor's veto.

Section 3 provides that if a majority of the voters approve the amendment, the State Board of Elections would certify the amendment to the Secretary of State. The amendment would become effective upon certification and the Secretary of State would enroll the amendment.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 87

Short Title:	Sunshine Amendment.	(Public)
Sponsors:	Representatives LaRoque and T. Moore (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article XIV of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 6. Access to public records and meetings.**

(1) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the State, or persons acting on their behalf, except with respect to records exempted pursuant to this Section. This Section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, governmental subdivisions, units of local government, and special districts; and every office, board, commission, or entity created pursuant to law or this Constitution.

(2) All meetings of any collegial public body of the executive branch of State government or of any collegial public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this Section.

(3) This Section is self-executing. The General Assembly, however, may provide by general law passed by a two-thirds vote of the members present and voting of each house for the exemption of records from the requirements of subsection (1) of this Section and the exemption of meetings from the requirements of subsection (2) of this Section, provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this Section, including the maintenance, control, destruction, disposal, and disposition of records made public by this Section, except that each house of the General Assembly may adopt rules governing the enforcement of this Section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsection (1) or (2) of this Section and provisions governing the enforcement of this Section and shall relate to one subject.

(4) All laws that are in effect on January 1, 2013, that limit public access to records or meetings shall remain in force until amended or repealed. Rules of court that are in effect on January 1, 2013, that limit access to records shall remain in effect until they are repealed."

SECTION 2. The amendments set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election on November 6, 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendments providing that all State and local government public records are open to inspection and copying, and all State and local government meetings are open to the public, subject in either case to general law passed by two-thirds vote in each house of the General Assembly providing for exemptions in case of public necessity."

SECTION 3. If a majority of votes cast on the question are in favor of the constitutional amendment set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State. The constitutional amendment is effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

HOUSE PAGES

NAME OF COMMITTEE Rules DATE 3.8.2011

1. Name: Kayla Dunston
   County: Warren
   Sponsor: Rep. Angela Bryant
2. Name: Brittany Maxfield
   County: Catawba
   Sponsor: Tillis
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 3.8.2011 **Room:** 425

House Sgt-At Arms:

1. **Name:** Carlton Adams
2. **Name:** Larry Elliott
3. **Name:** _____
4. **Name:** _____

Name: _____

Senate Sgt-At Arms:

1. **Name:** _____
2. **Name:** _____
3. **Name:** _____
4. **Name:** _____
5. **Name:** _____

VISITOR REGISTRATION SHEET

Rules — 3.8.2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Forest Gilliam	Governor's Office
Ardis Watkins	SEANC
Suzanne Beasley	SEANC
Chuck Stone	SEANC
Carl Dean	DSP
Dennis Patterson	DSH
Jimmy Broughton	Womble Carlyle
Joe Lanier	Nelson Mullins
Eddie Caldwell	NC Sheriffs' Assn.
Paul Meyer	NC League of Munic.
Dana Fenton	City of Charlotte

VISITOR REGISTRATION SHEET

Rules — Name of Committee

3.8.2011 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kelli Kuhn	NCLM
Katherine Joyce	NCASA
[signature]	NCNA
Barbara S. Casler	BSCa
Andrew Cagle	NC Sheriffs' Assoc.
Charles Marshall	Brooks, Pierce
Elizabeth Bisa	Brooks Pierce

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
March 16, 2011

The Committee on Rules, Calendar and Operations of the house met on March 16, 2011 at 1:03 pm in Room 1327 of the Legislative Building. The following members were present: Representative LaRoque Chair, Representative T. Moore Chair, Representative Rhyne Vice Chair, Representatives Alexander, Blust, Daughtry, Faison, Farmer-Butterfield, Folwell, Gillespie, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Parmon, Samuelson, Stam, and Stone.

Rep. Tim Moore presided. Rep Moore recognized the Pages and Sergeant-at-Arms.

The following bill was considered:

HR 42-A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN ALLEN GARWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY (Representative Randleman, Primary Sponsor) Representative Randleman explained the Bill. No discussion or debate on the Bill. Representative Alexander motioned that the Resolution be adopted. Vote was called. Motion passed. Resolution was adopted.

HB-173 A BILL TO BE ENTITLED AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE 2 SHRIMP FESTIVAL (Representative Shepard, Primary Sponsor) Representative Shepard explained the bill. No discussion or debate on the Bill. Representative Hilton motioned that the Bill be given a favorable report. Motion passed. Bill was given a favorable report.

HB-205 AN ACT DESIGNATING THE MONTH OF MAY AS MOTORCYCLE AWARENESS MONTH (Representatives Hastings, Moore, McCormick, and Folwell, Primary Sponsors) Representative Hastings explained the bill. No discussion or debate on the Bill. Representative Hilton motioned that the Bill be given a favorable report. Motion passed. Bill was given a favorable report.

HR-258 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES DOUGLAS "CHARLIE" BROWN, JR., FALLEN MARTIN COUNTY SHERIFF'S DEPUTY (Representative Warren, Primary Sponsor). Representative Warren explained the Bill. No discussion or debate on the Bill. Representative Alexander motioned that the Resolution be adopted. Vote was called. Motion passed. Resolution was adopted.

HB-87 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION (Representatives LaRoque; Moore, Primary Sponsors) Representative LaRoque explained the Bill. Discussion and debate on the Bill. Representative Faison presented an amendment. Copies were distributed by the Sergeant-at–arms. Representative Faison explained the amendment. Amendment was discussed and debated. Representative Hackney motioned for the amendment to be adopted. Vote was called on the amendment. The Chair was unable to

determine the vote and asked members to raise their hands: 11 votes in the affirmative and 10 in the negative. The amendment was adopted. Representative Hackney presented an amendment. Representative Hackney was recognized to explain the amendment and motioned for the amendment to be adopted. Vote was called and the amendment was adopted. Representative Faison presented an amendment. Chair Moore set aside the amendment until after session.

The Following Bills were considered to be filed as Committee bills if they received favorable recommendation. Chair Moore submitted the bills to be voted on by the Committee.

APA: Disapprove Reclaimed Water Rules
Study Moped Registration and Liability Ins.

Discussion and debate on the Bills. Representative Gillespie explained the bills. A motion was made that the bills be recommended. Vote was called. Motion passed. A favorable recommendation was given for the bills to be filed as Committee Bills.

Rep. Moore postponed the meeting until 10 minutes after session at 1:45pm. The Committee reconvened at 3:17 pm.

Continued discussion and debate on HB 87. Rep. Hackney presented an amendment and was recognized to explain the amendment. Vote was called and the amendment was adopted. Rep. Faison sent forth an amendment. Representative Faison explained the amendment. Chair Moore called for a vote on the amendment. The Chair was unable to determine the vote and asked members to raise their hands: 7 votes in the affirmative and 13 in the negative. Representative Moffitt motioned that the bill be given a favorable report. Vote was called and motion passed. Bill was given a favorable report.

Committee adjourn at 3:27 pm.

Respectfully submitted:

Rep Tim Moore
Vice Chair

Lisa Kennedy
Rule Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

1:00

March 16, 2011

1327 LB

Representative Tim Moore Presiding

Remarks:

Bills:

HR 42	Honor John A. Garwood.	Representative Randleman
HB 173	State Shrimp Festival-Sneads Ferry.	Representative Shepard
HB 205	Motorcycle Awareness Month.	Representative Hastings Representative Moore Representative McCormick Representative Folwell
HR 258	Honor Deputy Charlie Brown.	Representative Warren
HB 87	Sunshine Amendment.	Representative LaRoque Representative Moore

The following bills will be considered to be filed as Committee bills if they receive a favorable recommendation:

APA: Disapprove Reclaimed Water Rules

Study Moped Registration and Liability Ins

Adjourn

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, March 16, 2011
TIME: 1:00 pm
LOCATION: 1327 LB
COMMENTS: The following bills will be considered to be filed as Committee bills if they receive a favorable recommendation:

APA: Disapprove Reclaimed Water Rules
Study Moped Registration and Liability Ins.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 42	Honor John A. Garwood.	Representative Randleman
HB 87	Sunshine Amendment.	Representative LaRoque Representative Moore
HB 173	State Shrimp Festival-Sneads Ferry.	Representative Shepard
HB 205	Motorcycle Awareness Month.	Representative Hastings Representative Moore Representative McCormick Representative Folwell
HR 258	Honor Deputy Charlie Brown.	Representative Warren

Respectfully,
Representative Tim Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **March 16, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	02/01/2011	02/02/2011	02/16/2011	03/01/2011	03/08/2011	03/16/2011	3/12011 pm								
Rep. Stephen LaRoque Chair	x	x	x	X	x	x	x								
Rep. Tim Moore Chair	x	x	x	X	x	x	x								
Rep. Bill Owens Vice Chair	x	x	x	X											
Rep. Johnathan Rhyne Vice Chair	x	x	x		x	x	x								
Rep. Martha Alexander	x	x		X	x	x	x								
Rep. John Blust			x	X	x	x	x								
Rep. Jim Crawford	x	x	x			x									
Rep. Leo Daughtry	x	x			x	x	x								
Rep. Bill Faison	x	x	x	X	x	x	x								
Rep. Jean Farmer- Butterfield	x	x	x	X		x	x								
Rep. Dale Folwell	x	x	x			x									
Rep. Mitch Gillsepie			x			x	x								
Rep. Joe Hackney	x	x		X	x	x	x								
Rep. Dewey Hill	x	x	x	X		x	x								
Rep. Mark Hilton		x	x		x	x	x								
Rep. Maggie Jeffus	x	x	x	X	x	x	x								
Rep. Linda Johnson			x	X	x	x	x								
Rep. Paul Luebke	x	x	x	X	x	x	x								
Rep. Danny McComas	x	x	x				x								
Rep. Tim Moffitt			x	X	x	x	x								
Rep. Earline Parmon	x			X	x	x	x								
Rep. Ruth Samuelson	x	x	x	X	x	x									
Rep. Paul Stam	x	x	x	X	x	x	x								
Rep. Mike Stone	x	x	x	X	x	x	x								
Kory Goldsmith	x	x	x	X	x	x	x								
Bill Patterson	x	x	x	X	x	x	x								
Kelly Quick	x	x	x	X	x	x	x								

HOUSE RESOLUTION 42

Sponsors:	Representative Randleman (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

February 7, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN ALLEN GARWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, John Allen Garwood was born on July 8, 1932, to James Lemuel Garwood and Annie Lura Carrigan Garwood in North Wilkesboro, North Carolina; and

Whereas, John Allen Garwood graduated from Wilkesboro High School in 1951 and earned a BS degree in Business Education from Appalachian State University in 1957; and

Whereas, John Allen Garwood was a licensed real estate broker and a licensed life and casualty insurance agent and served as vice president of Lineberry, Inc., until his retirement; and

Whereas, John Allen Garwood served as the Wilkes County Finance Chair of "Holshouser for Governor," as Chair of the Wilkes County Republican Executive Committee from 1974 to 1979, as a delegate to the Republican National Convention in 1980, and as Chair of the Fifth Congressional District Republican Executive Committee from 1981 to 1983; and

Whereas, John Allen Garwood was elected as a Commissioner for Wilkes County in 1990, serving as Chair of the Board from 1991 to 1993; and

Whereas, John Allen Garwood served with honor and distinction in the General Assembly, where he ably served the people of his district as a senator from 1997 to 2006; and

Whereas, during his tenure in the Senate, John Allen Garwood was assigned to several committees, serving as Cochair of Education/Higher Education, a Ranking Minority member of Appropriations on Education/Higher Education, and a member of Agriculture/Environment and Natural Resources, Appropriations/Base Budget, Health Care, State and Local Government, Pensions and Retirement and Aging, and Transportation Committees; and

Whereas, John Allen Garwood also served on a number of study committees and select committees, including the Advisory Budget Commission, Joint Education Oversight Committee, Community College Committee, Select Committee on Homeland Security, and Opportunities and Needs for Economic Growth in North Carolina; and

Whereas, John Allen Garwood was active in several fraternal and civic organizations, serving as a member of the Public School Forum of North Carolina, Wilkes Literacy Consortium, and Wilkes County Vocational Education Board; as a member of the Board of The Health Foundation, Wilkes Senior Center Task Force, Wilkes United Fund, Wilkes County Vocational Education Board, and New River Mental Health; as a member of the Advisory Board of the Wilkes Cooperative Extension; as vice president and secretary of Wilkes Chamber of Commerce; and as Past Exalted Ruler of North Wilkesboro Elks Lodge #1846; and

Whereas, John Allen Garwood served as a member of The University of North Carolina Board of Governors from 1985 to 1996, where he was Chair of the Committee on

Personnel and Tenure; as a member of the Appalachian State University Board of Trustees from 1973 to 1980, where he served as Chair from 1979 to 1980 and as a member of the Chancellor's Search Committee in 1978; as a member of the Advisory Board of the College of Agriculture and Life Science at North Carolina State University; and as a member of the Board of Directors of First Citizens Bank from 1975 to 2000; and

Whereas, John Allen Garwood was awarded the Outstanding Alumnus Award from Appalachian State University in 1997 and was recognized by Appalachian State University in 2008 for his efforts in securing funding for a new education building and acquiring additional permanent funding for the University; and

Whereas, John Allen Garwood was a veteran of the Korean War, serving as a Staff Sergeant in the 11th Airborne Division of the United States Army from 1953 to 1955; and

Whereas, John Allen Garwood was a life member of the Wilkesboro United Methodist Church and served as a certified lay speaker for the United Methodist Church; and

Whereas, John Allen Garwood died on November 30, 2010; and

Whereas, John Allen Garwood is survived by his wife, Wanda Bandy Garwood of 53 years; his children, John B. Garwood, David A. Garwood, and Susan Garwood Robertson; and his grandchildren, Johnathon, Anna, Joseph, Kate, Madelyn, and Liza Grace; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the life and memory of John Allen Garwood and expresses the appreciation of this State and its citizens for the service he rendered his community, State, and nation.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of John Allen Garwood for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of John Allen Garwood.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 173*

Short Title:	State Shrimp Festival-Sneads Ferry.	(Public)
Sponsors:	Representative Shepard (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 24, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.

Whereas, since 1970, the Town of Sneads Ferry has held an annual shrimp festival to bring the community and surrounding areas together in celebration of the Town's coastal and aquacultural heritage; and

Whereas, the Sneads Ferry Shrimp Festival has grown into a great marketing and promotional tool for the Sneads Ferry community, Onslow County, and eastern North Carolina; and

Whereas, the Sneads Ferry Shrimp Festival should be adopted as the official shrimp festival of the State of North Carolina; 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:

"**§ 145-33. State Shrimp Festival.**

The Sneads Ferry Shrimp Festival is adopted as the official shrimp festival of the State of North Carolina."

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

HOUSE BILL 205

Short Title:	Motorcycle Awareness Month.	(Public)
Sponsors:	Representatives Hastings, T. Moore, McCormick, and Folwell (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 3, 2011

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE MONTH OF MAY AS MOTORCYCLE AWARENESS MONTH.

Whereas, motorcycle riding is a popular form of recreation and transportation for thousands of citizens across North Carolina and the United States; and

Whereas, as of June 2010, North Carolina had over 183,500 registered motorcycles and more than 453,240 licensed drivers who had either a motorcycle endorsement or a motorcycle learner's permit; and

Whereas, it is important that the citizens of North Carolina be aware of motorcycles on the roadways and recognize the importance of motorcycle safety and of sharing the roadways; and

Whereas, the safe operation of a motorcycle is enhanced through a combination of rider training and experience, good judgment, and a knowledge of traffic laws and licensing requirements; and

Whereas, several organizations, such as the Concerned Bikers Association/ABATE of North Carolina, along with the North Carolina Motorcycle Safety Education Program, and other State and local motorcycle clubs and riding or social clubs are committed to increasing the safe operation of motorcycles by promoting rider safety education programs; their goal is to alert the motorists of North Carolina to a safety promotion known as "Look Twice, Save a Life, Motorcycles are Everywhere"; and

Whereas, Motorcycle Awareness Month is designed to increase public awareness about motorcycles and to encourage their safe and proper use among motorcycle riders; 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. Motorcycle Awareness Month.**

The month of May of each year is designated as Motorcycle Awareness Month in the State of North Carolina."

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

HOUSE RESOLUTION 258*

Sponsors:	Representative E. Warren (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

March 9, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES DOUGLAS "CHARLIE" BROWN, JR., FALLEN MARTIN COUNTY SHERIFF'S DEPUTY.

Whereas, Charles Douglas "Charlie" Brown, Jr., proudly served his nation as a veteran of the United States Marine Corps, serving during Operation Desert Storm, and served his community as a dedicated law enforcement officer for almost 15 years; and

Whereas, Charlie Brown worked for a number of years with the North Carolina Department of Correction and served as a member of the Prisoner Emergency Response Teams (PERT) as a sniper; and

Whereas, Charlie Brown served in the Narcotics Unit and the K-9 Unit with the Martin County Sheriff's Office and the Williamston Police Department; and

Whereas, Charlie Brown was killed in the line of duty during a confrontation with a suspect in Williamston on December 8, 2009, while working as a deputy for the Martin County Sheriff's Office; and

Whereas, Charlie Brown is survived by his wife, Cindy; his daughters, Morgen and Carlie; his parents, Cindy Lucille Brown and Charles Brown, Sr.; and his brother Chris Brown; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Charles Douglas "Charlie" Brown, Jr., and expresses the appreciation of this State and its citizens for his service to law enforcement.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of Charles Douglas "Charlie" Brown, Jr., for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Charles Douglas "Charlie" Brown, Jr.

SECTION 4. This resolution is effective upon adoption.

HOUSE RESOLUTION 42

Sponsors:	Representative Randleman (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

February 7, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN ALLEN GARWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, John Allen Garwood was born on July 8, 1932, to James Lemuel Garwood and Annie Lura Carrigan Garwood in North Wilkesboro, North Carolina; and

Whereas, John Allen Garwood graduated from Wilkesboro High School in 1951 and earned a BS degree in Business Education from Appalachian State University in 1957; and

Whereas, John Allen Garwood was a licensed real estate broker and a licensed life and casualty insurance agent and served as vice president of Lineberry, Inc., until his retirement; and

Whereas, John Allen Garwood served as the Wilkes County Finance Chair of "Holshouser for Governor," as Chair of the Wilkes County Republican Executive Committee from 1974 to 1979, as a delegate to the Republican National Convention in 1980, and as Chair of the Fifth Congressional District Republican Executive Committee from 1981 to 1983; and

Whereas, John Allen Garwood was elected as a Commissioner for Wilkes County in 1990, serving as Chair of the Board from 1991 to 1993; and

Whereas, John Allen Garwood served with honor and distinction in the General Assembly, where he ably served the people of his district as a senator from 1997 to 2006; and

Whereas, during his tenure in the Senate, John Allen Garwood was assigned to several committees, serving as Cochair of Education/Higher Education, a Ranking Minority member of Appropriations on Education/Higher Education, and a member of Agriculture/Environment and Natural Resources, Appropriations/Base Budget, Health Care, State and Local Government, Pensions and Retirement and Aging, and Transportation Committees; and

Whereas, John Allen Garwood also served on a number of study committees and select committees, including the Advisory Budget Commission, Joint Education Oversight Committee, Community College Committee, Select Committee on Homeland Security, and Opportunities and Needs for Economic Growth in North Carolina; and

Whereas, John Allen Garwood was active in several fraternal and civic organizations, serving as a member of the Public School Forum of North Carolina, Wilkes Literacy Consortium, and Wilkes County Vocational Education Board; as a member of the Board of The Health Foundation, Wilkes Senior Center Task Force, Wilkes United Fund, Wilkes County Vocational Education Board, and New River Mental Health; as a member of the Advisory Board of the Wilkes Cooperative Extension; as vice president and secretary of Wilkes Chamber of Commerce; and as Past Exalted Ruler of North Wilkesboro Elks Lodge #1846; and

Whereas, John Allen Garwood served as a member of The University of North Carolina Board of Governors from 1985 to 1996, where he was Chair of the Committee on

Personnel and Tenure; as a member of the Appalachian State University Board of Trustees from 1973 to 1980, where he served as Chair from 1979 to 1980 and as a member of the Chancellor's Search Committee in 1978; as a member of the Advisory Board of the College of Agriculture and Life Science at North Carolina State University; and as a member of the Board of Directors of First Citizens Bank from 1975 to 2000; and

Whereas, John Allen Garwood was awarded the Outstanding Alumnus Award from Appalachian State University in 1997 and was recognized by Appalachian State University in 2008 for his efforts in securing funding for a new education building and acquiring additional permanent funding for the University; and

Whereas, John Allen Garwood was a veteran of the Korean War, serving as a Staff Sergeant in the 11th Airborne Division of the United States Army from 1953 to 1955; and

Whereas, John Allen Garwood was a life member of the Wilkesboro United Methodist Church and served as a certified lay speaker for the United Methodist Church; and

Whereas, John Allen Garwood died on November 30, 2010; and

Whereas, John Allen Garwood is survived by his wife, Wanda Bandy Garwood of 53 years; his children, John B. Garwood, David A. Garwood, and Susan Garwood Robertson; and his grandchildren, Johnathon, Anna, Joseph, Kate, Madelyn, and Liza Grace; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the life and memory of John Allen Garwood and expresses the appreciation of this State and its citizens for the service he rendered his community, State, and nation.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of John Allen Garwood for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of John Allen Garwood.

SECTION 4. This resolution is effective upon adoption.

H 1

HOUSE BILL 205

Short Title:	Motorcycle Awareness Month.	(Public)
Sponsors:	Representatives Hastings, T. Moore, McCormick, and Folwell (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 3, 2011

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE MONTH OF MAY AS MOTORCYCLE AWARENESS MONTH.

Whereas, motorcycle riding is a popular form of recreation and transportation for thousands of citizens across North Carolina and the United States; and

Whereas, as of June 2010, North Carolina had over 183,500 registered motorcycles and more than 453,240 licensed drivers who had either a motorcycle endorsement or a motorcycle learner's permit; and

Whereas, it is important that the citizens of North Carolina be aware of motorcycles on the roadways and recognize the importance of motorcycle safety and of sharing the roadways; and

Whereas, the safe operation of a motorcycle is enhanced through a combination of rider training and experience, good judgment, and a knowledge of traffic laws and licensing requirements; and

Whereas, several organizations, such as the Concerned Bikers Association/ABATE of North Carolina, along with the North Carolina Motorcycle Safety Education Program, and other State and local motorcycle clubs and riding or social clubs are committed to increasing the safe operation of motorcycles by promoting rider safety education programs; their goal is to alert the motorists of North Carolina to a safety promotion known as "Look Twice, Save a Life, Motorcycles are Everywhere"; and

Whereas, Motorcycle Awareness Month is designed to increase public awareness about motorcycles and to encourage their safe and proper use among motorcycle riders; 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. Motorcycle Awareness Month.**

The month of May of each year is designated as Motorcycle Awareness Month in the State of North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

HOUSE BILL 173*

Short Title:	State Shrimp Festival-Sneads Ferry.	(Public)
Sponsors:	Representative Shepard (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 24, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.

Whereas, since 1970, the Town of Sneads Ferry has held an annual shrimp festival to bring the community and surrounding areas together in celebration of the Town's coastal and aquacultural heritage; and

Whereas, the Sneads Ferry Shrimp Festival has grown into a great marketing and promotional tool for the Sneads Ferry community, Onslow County, and eastern North Carolina; and

Whereas, the Sneads Ferry Shrimp Festival should be adopted as the official shrimp festival of the State of North Carolina; 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:

"**§ 145-33. State Shrimp Festival.**

The Sneads Ferry Shrimp Festival is adopted as the official shrimp festival of the State of North Carolina."

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

HOUSE RESOLUTION 258*

Sponsors:	Representative E. Warren (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

March 9, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES DOUGLAS "CHARLIE" BROWN, JR., FALLEN MARTIN COUNTY SHERIFF'S DEPUTY.

Whereas, Charles Douglas "Charlie" Brown, Jr., proudly served his nation as a veteran of the United States Marine Corps, serving during Operation Desert Storm, and served his community as a dedicated law enforcement officer for almost 15 years; and

Whereas, Charlie Brown worked for a number of years with the North Carolina Department of Correction and served as a member of the Prisoner Emergency Response Teams (PERT) as a sniper; and

Whereas, Charlie Brown served in the Narcotics Unit and the K-9 Unit with the Martin County Sheriff's Office and the Williamston Police Department; and

Whereas, Charlie Brown was killed in the line of duty during a confrontation with a suspect in Williamston on December 8, 2009, while working as a deputy for the Martin County Sheriff's Office; and

Whereas, Charlie Brown is survived by his wife, Cindy; his daughters, Morgen and Carlie; his parents, Cindy Lucille Brown and Charles Brown, Sr.; and his brother Chris Brown; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Charles Douglas "Charlie" Brown, Jr., and expresses the appreciation of this State and its citizens for his service to law enforcement.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of Charles Douglas "Charlie" Brown, Jr., for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Charles Douglas "Charlie" Brown, Jr.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Legislative Fiscal Note

BILL NUMBER: House Bill 87 (First Edition)

SHORT TITLE: Sunshine Amendment.

SPONSOR(S): Representatives T. Moore and LaRoque

FISCAL IMPACT

Yes (X) **No ( )** **No Estimate Available ( )**

	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
REVENUES					
EXPENDITURES					
- State Board of Elections	up to $450,000 but see Assumptions and Methodology				
- Secretary of State	$300				
POSITIONS (cumulative):					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: State Board of Elections, Secretary of State, County Boards of Elections

EFFECTIVE DATE: When the bill becomes law

BILL SUMMARY:

Subject to approval by the voters at the statewide election on November 6, 2012, this bill adds a new Section 6 to Article XIV of the North Carolina Constitution.

The new section provides that every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, unless exempted pursuant to the proposed Sub-section 3 of Section 1. The constitutional amendment specifically includes the legislative, executive, and judicial branches of the government, and each agency or department created under those branches; local governments, their units and special districts; and every office, board, commission, or entity created pursuant to law or the NC Constitution.

The amendment requires that all meetings of any collegial public body of the executive branch of state government or of local government or special district at which official acts are to be taken or at which public business is to be transacted or discussed, must be open and noticed to the public, unless exempted pursuant to the proposed Sub-section 3 of Section 1. The amendment also provides that meetings of either chamber of the General Assembly must be open and noticed to the public, unless exempted.

Sub-section 3 of Section 1 states that the section is self-executing; however, the General Assembly may provide by general law, exemptions of records from the requirements. This sub-section further requires the General Assembly to enact laws governing enforcement of the proposed section. Each chamber of the General Assembly is allowed to adopt rules governing the enforcement in relation to records of that particular chamber and provides further guidelines for exemptions.

Subject to approval by the voters at the November 2012 general election, Sub-section 4 of Section 1 states that any law or rule of court in effect on January 1, 2013, that limit public access to records or meetings, will remain in force until amended or repealed.

ASSUMPTIONS AND METHODOLOGY:

The analysis provided only considers the cost of placing an amendment on the ballot for the November 2012 general election as required by Sections 2 and 3 of the bill. The State and local fiscal impact of Sections 1, should the amendment pass, cannot be determined.

State Board of Elections

The State Board of Elections provided an estimate of the fiscal impact of submitting the proposed State Constitutional amendment to the qualified voters of the State at the November 2012 general election

Under G.S. 163-33(8), the State Board of Elections is required to reimburse the county boards of elections for their reasonable additional costs in placing required notices, advertisements, and publications for amendments to the State Constitution. County boards of elections must give notice at least 20 days before the date on which the registration books or records are closed that there will be a general election. The notice must include the following information for that election:

- Date
- Hours the voting places will be open for voting
- A description of the nature and type of election
- The issues, if any, to be submitted to the voters

According to the State Board of Elections, county boards of elections would only incur additional advertising expense if the General Assembly enacts the legislation placing the item on the ballot after the county board of elections would ordinarily provide the required notice. Given that the proposed constitutional amendment would not be placed on the ballot until November 2012, action

on this legislation is likely to occur before the county boards of elections would ordinarily provide the required notices for the November 2012 general election.

The State Board of Elections estimates that reimbursing counties for the cost to run a public notice three times in a newspaper for all one hundred counties would be up to $450,000, if the counties are notified of the constitutional amendment after they would ordinarily provide the required notice ***and*** subsequently requested reimbursement. Staff consulted two newspapers and found that while this estimate may be high, it can be considered reasonable. The State Board of Elections indicates, however, that no counties have requested reimbursement for reasonable additional costs for placing required notices for the most recent constitutional amendment that was placed on the November 2, 2010 general election.

Secretary of State

G.S. 147-54.10 requires the Constitutional Amendments Publications Commission, of which the Secretary of State is the Chairman, to prepare an explanation of any proposed amendment, revision, or new Constitution. The Commission must send a copy of the summary along with a news release to each county board of elections and make a copy available to any registered voter or representative of the media. The Department of the Secretary of State (SOS) estimates a cost of $300 in FY 2011-12 for postage and supplies to mail approximately 600 notifications and news releases to the media and county boards of elections explaining the proposed amendment. SOS has determined that additional staff time needed can be absorbed by current staff. Fiscal Research concurs with this estimate.

SOURCES OF DATA: State Board of Elections, Secretary of State, News and Observer (advertisement costs), Charlotte Observer (advertisement costs).

SOURCES OF DATA:

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Mark Bondo

APPROVED BY: Marilyn Chism, Director
Fiscal Research Division

DATE: March 15, 2011



Signed Copy Located in the NCGA Principal Clerk's Offices

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH70092-MAz-174A (2/28)

Short Title:	Study Moped Registration and Liability Ins.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NEED FOR A MOTOR VEHICLE REGISTRATION, INSPECTION, AND FINANCIAL RESPONSIBILITY PROGRAM FOR MOPEDS.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Transportation Oversight Committee shall study the need for a moped registration program. If the Committee finds that requiring motor vehicle registration for mopeds is a desirable public policy, then it should recommend the method of registering mopeds, the process for identifying the mopeds to be registered, the administrative agency responsible for registering mopeds, the need for financial responsibility for operation and registration, the need for safety and emissions inspections, and any other issues that relate to the administration of the moped registration, inspection, and insurance process. The Committee shall report its findings and any recommended legislation to the 2012 Regular Session of the 2011 General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH11084-MC-128A (03/11)

Short Title: APA: Disapprove Reclaimed Water Rules. (Public)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PREVENT THE RECLAIMED WATER RULES ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM BECOMING EFFECTIVE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 150B-21.3, 15A NCAC 02U .0101 (Purpose), 15A NCAC 02U .0102 (Scope), 15A NCAC 02U .0103 (Definitions), 15A NCAC 02U .0104 (Activities Which Require a Permit), 15A NCAC 02U .0105 (General Requirements), 15A NCAC 02U .0106 (Submission of Permit Applications), 15A NCAC 02U .0107 (Staff Review and Permit Preparation), 15A NCAC 02U .0108 (Final Action on Permit Applications to the Division), 15A NCAC 02U .0109 (Permit Renewals), 15A NCAC 02U .0110 (Modification and Revocation of Permits), 15A NCAC 02U .0111 (Conditions for Issuing General Permits), 15A NCAC 02U .0112 (Delegation of Authority), 15A NCAC 02U .0113 (Permitting by Regulation), 15A NCAC 02U .0114 (Wastewater Design Flow Rates), 15A NCAC 02U .0115 (Operational Agreements), 15A NCAC 02U .0116 (Certification of Completion), 15A NCAC 02U .0117 (Treatment Facility Operation and Maintenance), 15A NCAC 02U .0120 (Historical Consideration in Permit Approval), 15A NCAC 02U .0201 (Application Submittal – Conjunctive Systems), 15A NCAC 02U .0202 (Application Submittal – Non-conjunctive Systems), 15A NCAC 02U .0301 (Reclaimed Water Effluent Standards), 15A NCAC 02U .0401 (Design Criteria for Wastewater Treatment Facilities – Conjunctive Systems), 15A NCAC 02U .0402 (Design Criteria for Wastewater Treatment Facilities – Non-conjunctive Systems), 15A NCAC 02U .0403 (Design Criteria for Distribution Lines), 15A NCAC 02U .0501 (Reclaimed Water Utilization), 15A NCAC 02U .0601 (Bulk Distribution of Reclaimed Water), 15A NCAC 02U .0701 (Setbacks), 15A NCAC 02U .0801 (Operation and Maintenance Plan), 15A NCAC 02U .0802 (Residuals Management Plan), 15A NCAC 02U .0901 (Local Program Approval), 15A NCAC 02U .1101 (Wetlands Augmentation), 15A NCAC 02U .1401 (Irrigation to Food Chain Crops), as adopted by the Environmental Management Commission on November 18, 2010, and approved by the Rules Review Commission on December 16, 2010, shall not become effective.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 87 DATE 3-16-11

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.) Sen.) Harkney

1 moves to amend the bill on page 1, line 5 ~~[illegible]~~ 15-16

2 ( ) WHICH CHANGES THE TITLE

3 by deleting the word "illegal".

4 where it appears on both lines.

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SIGNED Harkney

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 87 DATE 3-16-11

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.) Sen.) Faison

moves to amend the bill on page 1, line 11

( ) WHICH CHANGES THE TITLE

by rewriting the line to read

"This Section specifically includes the legislative and executive branches of"

and on page 2, lines 2-3 by rewriting those lines to read

"shall remain in force until amended or repealed."

SIGNED _____

ADOPTED 11-~~0~~7 FAILED 6 TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 87

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

H87-ARC-7 [v.3]

Comm. Sub. [YES]
Amends Title [YES]
First Edition

Date _____,2011

Representative Faison

moves to amend the bill on page 1, lines 2-32, and on page 2, lines 1-19, by deleting the lines and substituting the following:

"AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE.
The General Assembly of North Carolina enacts:

"SECTION 1. Chapter 132 is amended by adding a new section to read:

"**§ 132-1.13. Access to public records; future exemptions.**

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any agency, public officer, or official of the State, or persons acting on their behalf, except with respect to records exempted pursuant to subsection (b) of this section. This section specifically includes the legislative and executive branches of government and each agency or department created thereunder; counties, municipalities, governmental subdivisions, units of local government, and special districts; and every office, board, commission, or entity created pursuant to law or this Constitution.

(b) The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of records from the requirements of subsection (a) of this section provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the General Assembly may adopt rules governing the enforcement of this section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsection (a) of this section and provisions governing the enforcement of this section and shall relate to one subject. All statutes, rules, case law, and common law in effect on January 1, 2013, that limit public access to records shall remain in force until amended or repealed."

SECTION 2. G.S. 143-318.9 reads as rewritten:

"**§ 143-318.9. Public ~~policy.~~policy; future exemptions**

(a) Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.

(b) All meetings of any public body of the executive branch of State government or of any public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this section. The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of meetings from the requirements of this subsection provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this subsection, except that each house of the General Assembly may adopt rules governing the enforcement of this section in relation to meetings of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of this section and provisions governing the enforcement of this section and shall relate to one subject. All statutes, rules, case law, and common in effect on January 1, 2013, that limit public access to meetings shall remain in force until amended or repealed."

SECTION 3. This act becomes effective January 1, 2013.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 87
PROPOSED COMMITTEE SUBSTITUTE H87-CSRC-9 [v.3]

3/16/2011 2:54:33 PM

Short Title: Sunshine Amendment. (Public)

Sponsors:

Referred to:

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article XIV of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 6. Access to public records and meetings.**

(1) Every person has the right to inspect or copy any public record made or received in connection with the official business of any agency, public officer, or official of the State, or persons acting on their behalf, except with respect to records exempted pursuant to this Section. This Section specifically includes the legislative and executive branches of government and each agency or department created thereunder; counties, municipalities, governmental subdivisions, units of local government, and special districts; and every office, board, commission, or entity created pursuant to law or this Constitution.

(2) All meetings of any collegial public body of the executive branch of State government or of any collegial public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this Section.

(3) This Section is self-executing. The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of records from the requirements of subsection (1) of this Section and the exemption of meetings from the requirements of subsection (2) of this Section, provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this Section, including the maintenance, control, destruction, disposal, and disposition of records made public by this Section, except that each house of the General Assembly may adopt rules governing the enforcement of this Section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsection (1) or (2) of this Section and provisions governing the enforcement of this Section and shall relate to one subject.

(4) All statutes, rules, case law, and common law that are in effect on January 1, 2013, that limit public access to records or meetings shall remain in force until amended or repealed."

SECTION 2. The amendments set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election on November 6, 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendments providing that all State and local government public records are open to inspection and copying, and all State and local government meetings are open to the public, subject in either case to general law passed by two-thirds vote in each house of the General Assembly providing for exemptions in case of public necessity."

SECTION 3. If a majority of votes cast on the question are in favor of the constitutional amendment set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State. The constitutional amendment is effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 87

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

H87-ARC-7 [v.3]

Comm. Sub. [YES]
Amends Title [YES]
First Edition

Date _____,2011

Representative Faison

moves to amend the bill on page 1, lines 2-3~~7~~3, and on page 2, lines 1-1~~0~~9, by deleting the lines and substituting the following:

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(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any agency, public officer, or official of the State, or persons acting on their behalf, except with respect to records exempted pursuant to subsection (b) of this section. This section specifically includes the legislative and executive branches of government and each agency or department created thereunder; counties, municipalities, governmental subdivisions, units of local government, and special districts; and every office, board, commission, or entity created pursuant to law or this Constitution.

(b) The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of records from the requirements of subsection (a) of this section provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the General Assembly may adopt rules governing the enforcement of this section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsection (a) of this section and provisions governing the enforcement of this section and shall relate to one subject. All statutes, rules, case law, and common law in effect on January 1, 2013, that limit public access to records shall remain in force until amended or repealed."

SECTION 2. G.S. 143-318.9 reads as rewritten:

"§ 143-318.9. Public ~~policy.~~policy; future exemptions

(a) Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.

(b) All meetings of any public body of the executive branch of State government or of any public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this section. The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of meetings from the requirements of this subsection provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this subsection, except that each house of the General Assembly may adopt rules governing the enforcement of this section in relation to meetings of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of this section and provisions governing the enforcement of this section and shall relate to one subject. All statutes, rules, case law, and common in effect on January 1, 2013, that limit public access to meetings shall remain in force until amended or repealed."

SECTION 3. This act becomes effective January 1, 2013.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 87

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

H87-ARC-7 [v.3]

Comm. Sub. [YES]
Amends Title [YES]
First Edition

Date _____,2011

Representative Faison

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(b) The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of records from the requirements of subsection (a) of this section provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the General Assembly may adopt rules governing the enforcement of this section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsection (a) of this section and provisions governing the enforcement of this section and shall relate to one subject. All statutes, rules, case law, and common law in effect on January 1, 2013, that limit public access to records shall remain in force until amended or repealed."

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(b) All meetings of any public body of the executive branch of State government or of any public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this section. The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of meetings from the requirements of this subsection provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this subsection, except that each house of the General Assembly may adopt rules governing the enforcement of this section in relation to meetings of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of this section and provisions governing the enforcement of this section and shall relate to one subject. All statutes, rules, case law, and common in effect on January 1, 2013, that limit public access to meetings shall remain in force until amended or repealed."

SECTION 3. This act becomes effective January 1, 2013.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 3-16-11

S. B. No. _____ Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.) Faison
Sen.)

moves to amend the bill on page 1, line 11

( ) WHICH CHANGES THE TITLE

by rewriting the line to read

"This Section specifically includes the legislative and executive branches of"

and on page 2, lines 2-3 by rewriting those lines to read

"shall remain in force until amended or repealed."

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 87
PROPOSED COMMITTEE SUBSTITUTE H87-CSRC-9 [v.3]

3/16/2011 2:54:33 PM

Short Title: Sunshine Amendment. (Public)

Sponsors:

Referred to:

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article XIV of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 6. Access to public records and meetings.**

(1) Every person has the right to inspect or copy any public record made or received in connection with the official business of any agency, public officer, or official of the State, or persons acting on their behalf, except with respect to records exempted pursuant to this Section. This Section specifically includes the legislative and executive branches of government and each agency or department created thereunder; counties, municipalities, governmental subdivisions, units of local government, and special districts; and every office, board, commission, or entity created pursuant to law or this Constitution.

(2) All meetings of any collegial public body of the executive branch of State government or of any collegial public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this Section.

(3) This Section is self-executing. The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of records from the requirements of subsection (1) of this Section and the exemption of meetings from the requirements of subsection (2) of this Section, provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this Section, including the maintenance, control, destruction, disposal, and disposition of records made public by this Section, except that each house of the General Assembly may adopt rules governing the enforcement of this Section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsection (1) or (2) of this Section and provisions governing the enforcement of this Section and shall relate to one subject.

(4) All statutes, rules, case law, and common law that are in effect on January 1, 2013, that limit public access to records or meetings shall remain in force until amended or repealed."

SECTION 2. The amendments set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election on November 6, 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendments providing that all State and local government public records are open to inspection and copying, and all State and local government meetings are open to the public, subject in either case to general law passed by two-thirds vote in each house of the General Assembly providing for exemptions in case of public necessity."

SECTION 3. If a majority of votes cast on the question are in favor of the constitutional amendment set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State. The constitutional amendment is effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 87 DATE 3-16-11

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.) Hackney
Sen.)

1 moves to amend the bill on page 2, line 1

2 ( ) WHICH CHANGES THE TITLE

3 by ~~deleting~~ rewriting the line to read

4

5 "(4) All statutes, rules, case law and

6 common law in effect on January 1, 2013,

7 that limits public access to records or

8 meetings".

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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

(b) All meetings of any public body of the executive branch of State government or of any public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this section. The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of meetings from the requirements of this subsection provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this subsection, except that each house of the General Assembly may adopt rules governing the enforcement of this section in relation to meetings of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of this section and provisions governing the enforcement of this section and shall relate to one subject. All statutes, rules, case law, and common in effect on January 1, 2013, that limit public access to meetings shall remain in force until amended or repealed."

SECTION 3. This act becomes effective January 1, 2013.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 87

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

H87-ARC-7 [v.3]

Comm. Sub. [YES]
Amends Title [YES]
First Edition

Date _____,2011

Representative Faison

moves to amend the bill on page 1, lines 2-32, and on page 2, lines 1-19, by deleting the lines and substituting the following:

"AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE.
The General Assembly of North Carolina enacts:

"SECTION 1. Chapter 132 is amended by adding a new section to read:

"§ 132-1.13. Access to public records; future exemptions.

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any agency, public officer, or official of the State, or persons acting on their behalf, except with respect to records exempted pursuant to subsection (b) of this section. This section specifically includes the legislative and executive branches of government and each agency or department created thereunder; counties, municipalities, governmental subdivisions, units of local government, and special districts; and every office, board, commission, or entity created pursuant to law or this Constitution.

(b) The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of records from the requirements of subsection (a) of this section provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the General Assembly may adopt rules governing the enforcement of this section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsection (a) of this section and provisions governing the enforcement of this section and shall relate to one subject. All statutes, rules, case law, and common law in effect on January 1, 2013, that limit public access to records shall remain in force until amended or repealed."

SECTION 2. G.S. 143-318.9 reads as rewritten:

"§ 143-318.9. Public ~~policy.~~policy; future exemptions

(a) Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) Tim Moore and Stephen LaRoque (Chair's Name), for the Committee on Rules, Calendar, and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

AN ACT TO PREVENT THE RECLAIMED WATER RULES ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM BEING EFFECTIVE

And be referred to Environment

(FOR JOURNAL USE ONLY)

_____Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) Tim Moore and Stephen LaRoque (Chair's Name), for the Committee on Rules, Calendar, and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

AN ACT TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NEED FOR A MOTOR VEHICLE REGISTRATION, INSPECTION, AND FINANCIAL RESPONSIBILITY PROGRAM FOR MOPEDS

And be referred to the Committee on Rules, Calender + Operations of the House

(FOR JOURNAL USE ONLY)

_Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 3/16/11 **Room:** 1228

House Sgt-At Arms:

1. **Name:** Fred Hines
2. **Name:** John Brandon
3. **Name:** Todd Batchelor
4. **Name:**

Name:

Senate Sgt-At Arms:

1. **Name:**
2. **Name:**
3. **Name:**
4. **Name:**
5. **Name:**

HOUSE PAGES

NAME OF COMMITTEE Rules DATE 3/16/11

1. Name: Shanell Jones
   County: Cumberland
   Sponsor: Elmer Floyd
2. Name: Mary Scott Norris
   County: Rowan
   Sponsor: H. Warren
3. Name: Lacey Chambless
   County: Cleveland
   Sponsor: Rep Tim Moore
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

VISITOR REGISTRATION SHEET

Rules — 3/16/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Bean	NCEDF
Steven McCoy	Nationwide
DWIGHT EISENHOWER	MILITARY INDUSTRIAL COMPLEX
Von McCorquodale	SAS
Caroline McCullen	SAS
Kerry Swearingen	SAS
Jill Leandro	SAS
Sarah Preston	ACLU-NC
Susan Kelleni	Nationwide
Mia Bailey	Electri Cities.

VISITOR REGISTRATION SHEET

Rules — 3/16/14

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Derrick Lawhorn	NCARC
Heather Barnett	Williams Mullen
Rose Williams	NC DOT
Barbara Hart	NCRTC
EVTON MAYNARD	SC
Craig Sarvis	NAO
Butch Gunnells	NCBA
JOEL MAYNARD	BPM & ASSOC
Betty Huskins	NC Assoc. of Reg. Councils
Amy McCorkey	NC Bev

VISITOR REGISTRATION SHEET

Rules — 3/16/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert PASCHAL	Young Thorpe
Carl Dean	DSP
Matt Harrell	NCSBA
Leanne Winner	NCSBA
Rick Murphy	City of Kings Mountain Mayor
Charles Marshall	Brooks Pierce
Dennis Patterson	OSA
Andrew Cagle	NC Sheriffs' Assoc.
Kari Business	DENR
Robin Smith	DENR

VISITOR REGISTRATION SHEET

Rules — 3/16/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NAW
[signature]	NCACC
[signature]	NC School Boards
[signature]	NCSBA
[signature]	NFO
[signature]	DSP
Andrew Cagle	NC Sheriff's Assoc.
[signature]	NCAR
Laurie Sanders	N.C. Coalition Patient Safety
[signature]	NC Beer & Wine Wholesalers
[signature]	AP

VISITOR REGISTRATION SHEET

Rules — Name of Committee

3/16/11 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Tarant	Unver

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
March 30, 2011

The Committee on Rules, Calendar and Operations of the House met on March 30, 2011 at 1:15 pm in Room 643 of the Legislative Office Building. The following members were present: Representative LaRoque Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Faison, Farmer-Butterfield, Hilton, Johnson, Luebke, Moffitt, Parmon, Samuelson, and Stone.

Rep. Stephen LaRoque presided.

The following bill was considered:

HB-321-Grifton Shad Festival- (Representative McLawhorn, E. Warren, and Cook, Primary Sponsors) Representative McLawhorn explained the Bill. No discussion or debate on the Bill. Representative Johnson motioned that the Bill be given a favorable report. Vote was called. Motion passed. Bill was given a favorable report.

The Following Bills were considered to be filed as Committee bills if they received favorable recommendation. Chair LaRoque submitted the bills to be voted on by the Committee.

Short Title: Volunteer Service and Retirement
Short Title: Residential Building Inspections
Short Title: 2011 Speaker's Appointments

Discussion and debate on the Bills. Representative Faison spoke in the billls. A motion was made that the bills be recommended. Vote was called. Motion passed. A favorable recommendation was given for the bills to be filed as Committee Bills.

HB-218 Legislative Task Force on Childhood Obesity.(Representative Insko, Representative Brown, Representative Johnson, and Representative Weiss) Representative Johnson explained the bill. No discussion or debate on the Bill. Representative Johnson motioned that the Bill be given a favorable report. Vote was called. Motion passed. Bill was given a favorable report.

Committee adjourned at 1:21 pm.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

11:00 am

March 30, 2011

643 LOB

Representative Stephen LaRoque Presiding

Remarks:

Bills:

HR 186	Select Committee Investigate CTS.	Representative Moffitt
HB 218	Legislative Task Force on Childhood Obesity.	Representative Insko
		Representative Brown
		Representative Johnson
		Representative Weiss
HJR 221	Requesting State Treasurer/Five.	Representative Moffitt
HB 321	Grifton Shad Festival.	Representative McLawhorn
		Representative Warren
		Representative Cook

The following bills will be considered to be filed as Committee bilsl if they receive a favorable recommendation:

Short Title: Motion Hearings in Multi-County Dist./RCP 7.

Short Title: Volunteer Service and Retirement

Short Title: Residential Building Inspections

Short Title: 2011 Speaker's Appointments Bill

Adjourn

Corrected Notice Added Committee Bill

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, March 30, 2011
TIME: 11:00 am
LOCATION: 643 LOB
COMMENTS: The following bills will be considered to be filed as Committee bills if they receive a favorable recommendation:

Short Title: Motion Hearings in Multi-County Dist./RCP 7.
Short Title: Volunteer Service and Retirement
Short Title: Residential Building Inspections
Short Title: 2011 Speaker's Appointments Bill

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 186	Select Committee Investigate CTS.	Representative Moffitt
HB 218	Legislative Task Force on Childhood Obesity.	Representative Insko Representative Brown Representative Johnson Representative Weiss
HJR 221	Requesting State Treasurer/Five.	Representative Moffitt
HB 321	Grifton Shad Festival.	Representative McLawhorn Representative Warren Representative Cook

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 AM** o'clock on **March 30, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice Added Committee Bill

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, March 30, 2011
TIME: 11:00 am
LOCATION: 643 LOB
COMMENTS: The following bills will be considered to be filed as Committee bilsl if they receive a favorable recommendation:

Short Title: Motion Hearings in Multi-County Dist./RCP 7.
Short Title: Volunteer Service and Retirement
Short Title: Residential Building Inspections

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 186	Select Committee Investigate CTS.	Representative Moffitt
HB 218	Legislative Task Force on Childhood Obesity.	Representative Insko Representative Brown Representative Johnson Representative Weiss
HJR 221	Requesting State Treasurer/Five.	Representative Moffitt
HB 321	Grifton Shad Festival.	Representative McLawhorn Representative Warren Representative Cook

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **6 PM** o'clock on **March 29, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice Room change to 643 LOB

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, March 30, 2011
TIME: 11:00 am
LOCATION: 643 LOB
COMMENTS: The following bills will be considered to be filed as Committee bilsl if they receive a favorable recommendation:

Short Title: Motion Hearings in Multi-County Dist./RCP 7.
Short Title: Volunteer Service and Retirement

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 186	Select Committee Investigate CTS.	Representative Moffitt.
HB 218	Legislative Task Force on Childhood Obesity.	Representative Insko Representative Brown Representative Johnson Representative Weiss
HJR 221	Requesting State Treasurer/Five.	Representative Moffitt
HB 321	Grifton Shad Festival.	Representative McLawhorn Representative Warren Representative Cook

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **6 PM** o'clock on **March 29, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS AN UNPAID VOLUNTEER IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 218 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 321 A BILL TO BE ENTITLED AN ACT ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF THE STATE OF NORTH CAROLINA.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

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

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 321 A BILL TO BE ENTITLED AN ACT ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF THE STATE OF NORTH CAROLINA.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 218 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH50183-LR-71* (03/10)

Short Title:	Motion Hearings in Multicounty Dist./RCP 7.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT AMENDING RULE 7 OF THE RULES OF CIVIL PROCEDURE TO PROVIDE THAT, WITH THE PERMISSION OF THE SENIOR RESIDENT SUPERIOR COURT JUDGE, A MOTION IN A CIVIL ACTION IN A COUNTY THAT IS PART OF A MULTICOUNTY JUDICIAL DISTRICT MAY BE HEARD DURING CIVIL SESSION IN AN INCLUDED COUNTY DIFFERENT FROM WHERE THE CASE WAS FILED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 7(b)(4) reads as rewritten:

"(b) Motions and other papers. –

...

(4) A motion in a civil action in a county that is part of a multicounty judicial district may be heard in another county which is part of that same judicial district with the permission of the senior resident superior court judge of that district or of that judge's designee. Except for emergencies as determined by the senior resident superior court judge or that judge's designee, a motion in a civil action to be heard outside the county in which the case is filed shall be heard at a civil session of court. ~~filed with the superior court clerk of a county that is in a superior court district consisting of more than one county or parts of more than one county may be heard in any county in that superior court district. The motion may be heard at a regular civil or civil priority session of court or, with the consent of the presiding judge, at a regular criminal or criminal priority session of court. A party shall not object to the hearing of the motion outside the county with whose superior court clerk the action was filed if the motion is heard within the superior court district where the action is pending.~~"

SECTION 2. This act becomes effective October 1, 2011, and applies to motions made on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

BILL DRAFT 2011-LB-281 [v.3] (03/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
3/18/2011 3:03:27 PM

Short Title:	Residential Building Inspections.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES.

The General Assembly of North Carolina enacts:

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-364 reads as rewritten:

"**§ 153A-364. Periodic inspections for hazardous or unlawful conditions.**

(a) The inspection department ~~shall~~ may make periodic inspections, subject to the board of commissioners' directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in residential buildings within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building. For purposes of this section, the term 'reasonable cause' means: (i) the landlord or owner has a substantial history of noncompliance with the county's ordinances on unsafe buildings; (ii) there has been a report that substandard conditions exist within the building or an occupant has requested that the building be inspected; or (iii) the inspection department has actual knowledge of an unsafe conditions within the building that was acquired as a result of routine business activities conducted by the county. In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. ~~In addition, it shall make any necessary inspections when it has reason to believe that such conditions may exist in a particular building.~~ In exercising these powers, each member of the inspection department has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(b) A county may require periodic inspections under subsection (a) of this section as part of a targeted effort to respond to blighted or potentially blighted conditions within a Community Development Block Grant geographic area that has been designated by the board of commissioners, the Department of Commerce, Division of Community Assistance, or the United States Department of Housing and Urban Development.

(c) In no event may a county: (i) require any registration of residential rental property; (ii) adopt or enforce any local ordinance that would require any owner or manager of rental property to obtain any permit or permission from the county to lease or rent residential real

property; (iii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a Certificate of Occupancy; or (iv) levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties."

SECTION 2. G.S. 160A-424 reads as rewritten:

"**§ 160A-424. Periodic inspections.**

(a) The inspection department ~~shall~~ may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in residential buildings or structures within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. For purposes of this section, the term 'reasonable cause' means: (i) the landlord or owner has a substantial history of noncompliance with the city's ordinances on unsafe buildings or structures; (ii) there has been a report that substandard conditions exist within the building or structure or an occupant has requested that the building or structure be inspected; or (iii) the inspection department has actual knowledge of unsafe conditions within the building or structure that was acquired as a result of routine business activities conducted by the city. In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings or structures or between owner-occupied and tenant-occupied buildings or structures. ~~In addition, it shall make inspections when it has reason to believe that such conditions may exist in a particular structure.~~ In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

(b) A city may require periodic inspections under subsection (a) of this section as part of a targeted effort to respond to blighted or potentially blighted conditions within a Community Development Block Grant geographic area that has been designated by the city council, the Department of Commerce, Division of Community Assistance, or the United States Department of Housing and Urban Development."

(c) In no event may a city: (i) require any registration of residential rental property; (ii) adopt or enforce any local ordinance that would require any owner or manager of rental property to obtain any permit or permission from the county to lease or rent residential real property; (iii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a Certificate of Occupancy; or (iv) levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH90062-LB-344 (03/25)

Short Title:	Volunteer Service in Retirement.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS AN UNPAID VOLUNTEER IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-1(20) reads as rewritten:

"(20) "Retirement" means the termination of employment and the complete separation from active service with no intent or agreement, express or implied, to return to service. A retirement allowance under the provisions of this Chapter may only be granted upon retirement of a member. In order for a member's retirement to become effective in any month, the member must render no service, including part-time, temporary, substitute, or contractor service, at any time during the six months immediately following the effective date of retirement. For purposes of this subdivision, service as a member of a school board or as an unpaid bona fide volunteer ~~in a local school administrative unit~~ shall not be considered service."

SECTION 2. This act is effective from and after March 24, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

BILL DRAFT 2011-LG-77 [v.4] (03/04)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
3/29/2011 2:21:25 PM

Short Title:	2011 Speaker's Appointments Bill.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

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. Unless otherwise specified, appointments are for terms to begin July 1, 2011.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

HOUSE BILL 321*

Short Title:	Grifton Shad Festival.	(Public)
Sponsors:	Representatives McLawhorn, E. Warren, and Cook (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 14, 2011

A BILL TO BE ENTITLED

AN ACT ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, the Grifton Shad Festival, held annually since 1970, is the oldest festival in Pitt County and one of the longest running festivals in eastern North Carolina; and

Whereas, the Grifton Shad Festival provides visitors with many family-oriented activities, such as a parade, arts and crafts, and historical exhibits; and

Whereas, each year, citizens in the area demonstrate their community pride by volunteering to make the festival a success; 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:

"**§ 145-33. State shad festival.**

The Grifton Shad Festival is adopted as the official Shad Festival of the State of North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 218*

Short Title:	Legislative Task Force on Childhood Obesity.	(Public)
Sponsors:	Representatives Insko, L. Brown, Johnson, and Weiss (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 3, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

SECTION 1. There is created the Legislative Task Force on Childhood Obesity.

SECTION 2. The Task Force shall consist of 12 members as follows:

(1) Six members appointed by the Speaker of the House of Representatives.

(2) Six members appointed by the President Pro Tempore of the Senate.

SECTION 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 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 the following:

(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.

(9) Other means.

SECTION 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 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 any time

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 7. The Task Force shall submit a final report of the results of its study and its recommendations to the 2012 Regular Session of the 2011 General Assembly. The Task Force shall terminate on May 1, 2012, or upon the filing of its final report, whichever occurs first.

SECTION 8. This act is effective when it becomes law.

HOUSE JOINT RESOLUTION 221

Sponsors:	Representative Moffitt (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

March 3, 2011

A JOINT RESOLUTION REQUESTING THE STATE TREASURER TO USE THE PHRASE "NORTH CAROLINA PUBLIC EMPLOYEE RETIREMENT SYSTEMS" RATHER THAN THE PHRASE "NORTH CAROLINA RETIREMENT SYSTEMS" IN DOCUMENTS WHEN REFERRING TO THE FIVE RETIREMENT SYSTEMS ADMINISTERED BY THE STATE TREASURER'S OFFICE.

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

SECTION 1. The General Assembly requests that the State Treasurer use the phrase "North Carolina Public Employee Retirement Systems" rather than the phrase "North Carolina Retirement Systems" in documents when referring to the five retirement systems administered by the State Treasurer's Office to avoid confusion by the public.

SECTION 2. This resolution is effective upon ratification.

HOUSE RESOLUTION 186

Sponsors:	Representative Moffitt (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

February 28, 2011

A HOUSE RESOLUTION CREATING A HOUSE SELECT COMMITTEE TO INVESTIGATE THE HANDLING OF THE CTS CONTAMINATION SITE IN BUNCOMBE COUNTY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Be it resolved by the House of Representatives:

SECTION 1. In accordance with House Rule 26(a), there is established the House Select Committee to Investigate the Handling of the CTS Contamination Site.

SECTION 2. The Committee is a committee of investigation as provided by Article 5 of Chapter 120 of the General Statutes with all the powers provided therein to such committees. Activity of the Committee is also governed by Article 5A of Chapter 120 of the General Statutes. Subpoenas shall be issued as provided by G.S. 120-19.2.

SECTION 3. The Committee is charged to conduct an investigation of the Department of Environment and Natural Resources' handling of the CTS contamination site and other related issues in the discretion of the Committee.

SECTION 4. This resolution is effective upon adoption.

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 3-30-11 **Room:** 643

House Sgt-At Arms:

1. **Name:** Bill MacRae
2. **Name:** Larry Elliott
3. **Name:** Bob Rossi
   Name: Martha Gadison
5. **Name:**

Senate Sgt-At Arms:

1. **Name:**
2. **Name:**
3. **Name:**
4. **Name:**
5. **Name:**

House Committee Pages / ~~Sergeants at Arms~~

NAME OF COMMITTEE Rules

DATE: 3-30-11 **Room:** 643

*Name: Kimberly Bryan
County: Wake
Sponsor: Howard
*Name: Oriana McConnell
County: Forsyth
Sponsor: Womble
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:

~~House Sgt-At-Arms:~~

1. Name: _____ 4. Name: _____
2. Name: _____ 5. Name: _____
Name: _____ 6. Name: _____

VISITOR REGISTRATION SHEET

RULES
Name of Committee

3-30-11
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gene Causby	SNANC
Ed Regan	NC Retired Gov'tal Employees' Assoc
Doug Heeran	Williams Mullen
Rick Zechini	Progress Energy
Gov Jonathan Cudlipp	Visitor
Preston Howard	NCIC
Rebecca Troutman	NCAC
Wendy Kelly	Rbg Group
Jennie Renner-Yeomans	NC Housing
Julie Hochstein	NCDST
Fiona Cornell	WWC

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ron Ottauio	DST
Jack Butler	DENR-DWM
Kari Barsness	DENR
Dexter Matthews	DENR
Sarah R. Robinson	STB
John Icketon	NCADA
Nathan Cogsdale	WWC
Maddy Dillon	WWC
A' Boissette	WWC
Autumn Stinson	WWC

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kiyeka Gift	UNCW
Katrina S. Newton	UNCW - Social Worker - Student

VISITOR REGISTRATION SHEET

RULES — 3-30-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kelly Stange	Campbell Univ. - Social work
Margie Rogers	UNCW. Social Work

VISITOR REGISTRATION SHEET

RULES — 3.30.11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Frank Gray	NCRLA
Dick Carlton	[illegible]
Colleen Kochanek	AANC
Cindy Thomas	NCAR
David McGowan	NCAR
Carmen Hardy	Electric Cities of NC
Max Bailey	"
Kim Swanson	NASW - UNC School of Social Work
Meredith Richbourg	NASW- NCSU school of social work
Chuang Wang	UNC - School of Social Work
Stacey Riberdy	"

VISITOR REGISTRATION SHEET

Rules
Name of Committee

3/30/11
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ashley Rouse	UNC - School of Social Work
Kate Blackman	UNC-CH School of Social Work
[illegible]	[illegible]
Wendy Rudd	UNC-CH School of Social Work
Kyle Hoover	UNC CH Social Work
Annie Jenkins	UNC-CH School of Social Work
Susannah Walker	UNC-CH School of Social Work
Kimberly Brinkley	Campbell University School of Social Work
Amber Ivey	Campbell University School of Social Work
Emily Godwin	Campbell University School of Social Work

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
April 4, 2011

The Committee on Rules, Calendar and Operations of the house met on April 4, 2011 at 7:43 pm in Room 1327of the Legislative Building. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representative Rhyne Vice Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Crawford, Faison, Farmer-Butterfield, Hackney, Hilton, Johnson, Moffitt, Parmon, and Stam.

Rep. Tim Moore presided and recognized the Pages and Sergeant-at-Arms.

The following bill was considered:

HB-278-School Calendar/Onslow County (Representative Hastings, Primary Sponsors) Chair Moore recognized Representative Shepard. Representative Faison motioned to put forth a Proposed Committee Substitute. Representative Shepard explained the Bill. Discussion and debate on the Bill. Representative Faison motioned that the Bill be given a favorable report. Vote was called. Motion passed. Bill was given an unfavorable report as to the original bill, Favorable to the Committee Substitute. .

HB-87 Sunshine Act. (Representative LaRoque and Representative Moore, Primary Sponsors) Representative LaRoque explained the bill. Discussion and debate on the Bill. No vote was called.

Committee adjourned at 7:55 pm.

Respectfully submitted:

Rep Tim Moore
Chair

Lisa Kennedy
Rule Committee Assistant

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, April 4, 2011
TIME: Immediately after Session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 87	Sunshine Amendment.	Representative LaRoque Representative Moore
HB 278	Update Savings Bond Payroll Savings Program.	Representative Hastings

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **6 PM** o'clock on **April 04, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, April 4, 2011
TIME: Immediately after Session
LOCATION: 1327 LB
COMMENTS: There will be at least one other bill being heard.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 87	Sunshine Amendment.	Representative LaRoque Representative Moore

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3 PM** o'clock on **March 31, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

Immediately After Session

April 4. 2011

1327 LOB

Representative Tim Moore Presiding

Remarks:

Bills:

HB 87	Sunshine Amendment.	Representative LaRoque Representative Moore

Other bills.

Adjourn

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	02/01/2011	02/02/2011	02/16/2011	03/01/2011	03/08/2011	03/16/2011	3/12011 pm	3/30/2011	4/4/2011						
Rep. Stephen LaRoque Chair	x	x	x	X	x	x	x	x	X						
Rep. Tim Moore Chair	x	x	x	X	x	x	x		X						
Rep. Bill Owens Vice Chair	x	x	x	X				x	X						
Rep. Johnathan Rhyne Vice Chair	x	x	x		x	x	x		X						
Rep. Martha Alexander	x	x		X	x	x	x	x	X						
Rep. John Blust			x	X	x	x	x	x	X						
Rep. Jim Crawford	x	x	x			x			X						
Rep. Leo Daughtry	x	x			x	x	x								
Rep. Bill Faison	x	x	x	X	x	x	x	x	X						
Rep. Jean Farmer- Butterfield	x	x	x	X		x	x	x	X						
Rep. Dale Folwell	x	x	x			x									
Rep. Mitch Gillsepie			x			x	x								
Rep. Joe Hackney	x	x		X	x	x	x		X						
Rep. Dewey Hill	x	x	x	X		x	x								
Rep. Mark Hilton		x	x		x	x	x	x	X						
Rep. Maggie Jeffus	x	x	x	X	x	x	x								
Rep. Linda Johnson			x	X	x	x	x	x	X						
Rep. Paul Luebke	x	x	x	X	x	x	x	x							
Rep. Danny McComas	x	x	x				x								
Rep. Tim Moffitt			x	X	x	x	x	x	X						
Rep. Earline Parmon	x			X	x	x	x	x	X						
Rep. Ruth Samuelson	x	x	x	X	x	x		x							
Rep. Paul Stam	x	x	x	X	x	x	x		X						
Rep. Mike Stone	x	x	x	X	x	x	x	x							
Kory Goldsmith	x	x	x	X	x	x	x	x							
Bill Patterson	x	x	x	X	x	x	x	x	X						
Kelly Quick	x	x	x	X	x	x	x	x	X						

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 278 A BILL TO BE ENTITLED AN ACT TO UPDATE THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS TO REFLECT RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

H 1

HOUSE BILL 278

Short Title:	Update Savings Bond Payroll Savings Program.	(Public)
Sponsors:	Representative Hastings (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS TO REFLECT RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-304 reads as rewritten:

"**§ 143-304. Salary deductions and purchase of bonds authorized.**

Upon the execution of such agreement by any State employee with the State department, institution or agency where employed, the department, institution or agency is authorized and empowered to deduct the sum specified in said agreement from the ~~weekly or monthly~~ periodic salary of such employee, and to show deduction on all pay rolls similar to withholding tax, retirement, insurance, hospitalization, etc. Such sums shall be ~~held until sufficient moneys have accumulated to the credit of each individual sufficient to purchase a bond,~~ remitted by direct deposit to the United States Treasury under the TreasuryDirect Electronic Payroll Savings Program, and such sum shall be invested in United States savings bonds, for and on behalf of such employee, ~~and the bonds shall be delivered to the employee as soon as practical.~~ as provided by the United States Treasury Department. ~~Provided that no~~ No coercion of any sort shall be exercised to require any person to participate."

SECTION 2. G.S. 115C-343 reads as rewritten:

"**§ 115C-343. Payroll savings plan for purchase of United States bonds.**

(a) The State Board of Education may authorize any local school administrative school unit within the State to establish a voluntary payroll deduction plan for the purchase of United States Savings Bonds by the employees of such local school administrative unit, and to set up the necessary machinery for carrying out the purposes of this section.

(b) Any employee of any local school administrative school unit within the State may enter into a written agreement with the local board of education by which he is employed and which has adopted such payroll savings plan to authorize deductions from his salary of certain designated sums to be invested in United States Savings Bonds of the kind and type specified in such agreement.

(c) Upon execution of such agreement by an employee of any local school administrative unit the local board of education employing such person is authorized and empowered to deduct the sum specified in said agreement from the ~~weekly or monthly~~ periodic salary of such employee and to show deductions on all payrolls in a manner similar to that in the weekly or monthly salary of such employee and to show deductions on all payrolls in a manner similar to that in which withholding tax and retirement are shown. Such sums shall be

~~deposited monthly with a depository authorized by the United States Treasury Department. The sums so deposited shall be held by the depository until sufficient moneys have accumulated to the credit of each individual sufficient to purchase a bond,~~ remitted by direct deposit to the United States Treasury under the TreasuryDirect Electronic Payroll Savings Program, and such sums shall be invested in United States Savings Bonds for and on behalf of such employee, as provided by the United States Treasury Department. ~~and the bonds shall be delivered to the employee as soon as practicable: Provided, that no~~ No coercion shall be exercised to require any person to participate in such plan.

(d) Such agreement may be canceled by the employee executing the same by giving written notice to the superintendent of schools who is ex officio secretary to the local board of education, not later than the fifteenth day of the month in which he desires such agreement to be terminated; and the local board of education may cancel any agreement herein provided for upon giving 10 days written notice to the affected employee. Upon the termination of the agreement, the ~~depository is hereby authorized and directed to~~ the United States Treasury Department shall refund any amount of money held for such ~~employee.~~ employee as provided by the TreasuryDirect Electronic Payroll Savings Program."

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

HOUSE BILL 278:
School Calendar/Onslow County

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	April 1, 2011
Introduced by:		**Prepared by:**	Kelly Quick Committee Staff
Analysis of:	PCS to First Edition H278-CSLB-21		

SUMMARY: The PCS to HB 278 would permit Dixon Elementary, Middle, and High Schools in Onslow County to modify their 2010 - 2011 school calendar to include either 180 days or 1,000 hours of instruction.

CURRENT LAW: G.S. 115C-84.2 (a)(1) requires that a school calendar must include a minimum of 180 days and 1000 hours of instruction covering at least nine calendar months. The school calendar must also include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

G.S. 115C-84.2(c) allows the State Board of Education to order general, and if necessary, extended recesses or adjournment of the public schools during any period of emergency.

BILL ANALYSIS: The PCS to HB 278 would give flexibility to make up instructional days missed due to inclement weather during the 2010-2011 school year. Due to a declared state of emergency, Dixon Elementary, Middle, and High Schools would be authorized to schedule either 180 days **or** 1,000 hours of instruction rather than 180 days **and** 1,000 hours of instruction for the 2010-2011 school year.

EFFECTIVE DATE: The act would become effective when it becomes law and would apply only to Dixon Elementary, Middle, and High Schools located in Onslow County in the 2010-2011 school year.

BACKGROUND: The General Assembly has modified the school calendar law requirements in four prior school years in response to inclement weather events as follows:

S.L. 1999-463es – Exception to allow either 180 days or 1,000 hours for local school administrative units in counties declared disaster areas for Hurricane Floyd for the 1999-2000 school year.

S.L. 2003-08 – Exception to allow make up a maximum of three instructional days missed due to inclement weather by adding instructional hours to previously scheduled instructional days, if 1,000 hours requirement was still met. Applied state-wide for 2002-2003 school year.

S.L. 2005-48 – Exception to allow either 180 days or 1,000 hours for local school administrative units in counties declared disaster areas for Hurricane Frances or Ivan, or who missed more than 13 days of school due to those hurricanes for the 2004-2005 school year.

S.L. 2010-10 – Exception to allow either 180 days or 1,000 hours for local school administrative units and charter schools that missed more than 20 days due to inclement weather for the 2009-2010 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 278
PROPOSED COMMITTEE SUBSTITUTE H278-PCS80152-TH-1

Short Title: School Calendar/Onslow County. (Local)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO GIVE THE ONSLOW COUNTY SCHOOLS BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST IN CERTAIN SCHOOLS DUE TO A DECLARED STATE OF EMERGENCY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(a)(1) reads as rewritten:

"**§ 115C-84.2. School calendar.**

(a) School Calendar. – Each local board of education shall adopt a school calendar consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:

(1) A minimum of either 180 days ~~and~~ or 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days or 1,000 hours shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

If, due to inclement weather, a local board of education complies with this subdivision by scheduling 1,000 hours of instruction on less than 180 days, the local school administrative unit is deemed to have a minimum of 180 days of instruction, teachers employed for a 10-month term are deemed to have been employed for 180 instructional days, and all other employees shall be compensated as if they had worked their regularly scheduled hours for 180 instructional days."

SECTION 2. This act applies only to Dixon Elementary, Middle, and High Schools located in Onslow County and applies only in the 2010-2011 school year for days missed due to a declared state of emergency.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 87
Committee Substitute Favorable 3/16/11
Third Edition Engrossed 3/29/11
PROPOSED COMMITTEE SUBSTITUTE H87-PCS80142-RC-11

Short Title: Sunshine Act. (Public)

Sponsors:

Referred to:

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A SUPERMAJORITY FOR LEGISLATION RESTRICTING ACCESS TO PUBLIC RECORDS AND OPEN MEETINGS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 132 of the General Statutes is amended by adding a new section to read:

"**§ 132-11. Procedure for adopting exemptions.**

The General Assembly shall not enact a law exempting a document from the provisions of this Chapter except upon a three-fifths vote of the members present and voting of each house."

SECTION 2. Article 33C of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-318.19. Procedure for adopting exemptions.**

The General Assembly shall not enact a law exempting a public body from the provisions of this Article except upon a three-fifths vote of the members present and voting of each house."

SECTION 3. This act becomes effective October 1, 2011, and applies to legislation enacted on or after that date.

HOUSE BILL 87:
Sunshine Amendment

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	April 3, 2011
Introduced by:	Reps. LaRoque, T. Moore	**Prepared by:**	Kory Goldsmith
Analysis of:	PCS to Third Edition H87-CSRC-11		Committee Counsel

SUMMARY: ***The PCS to House Bill 87 would require a three-fifths majority of the members present and voting in each chamber for the General Assembly to pass new exemptions to either the Public Records Act or the Open Meetings Law.***

CURRENT LAW:

Public Records - Chapter 132 of the General Statues contains the primary group of statutes related to public records. G.S. 132-1, as interpreted by the courts, provides that any document, regardless of its form (paper, electronic, audio recording, etc.) made or received pursuant to law or ordinance in connection with the transaction of public business (including records kept in carrying out lawful duties) by an agency of North Carolina government or its subdivisions is a public record. "Agency of North Carolina government or its subdivisions" means every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

The public official in charge of an office having public records is the custodian of the records (G.S. 132-2), and the custodian must permit any person to examine and inspect any public record in the custodian's custody. The custodian shall also furnish copies "as promptly as possible". (G.S. 132-6(a)) Public agencies are not required to create or compile a record that does not exist. (G.S. 132-6.2(e)

Agencies may charge the actual cost of making copies. (G.S. 132-6.2(b)) A person requesting public records cannot be required to disclose the purpose or motive for the request (G.S. 132-6(b)), but may be required to submit the request in writing. If a request is denied, the denial must be accompanied by an explanation of the basis for the denial. (G.S. 132-6.2(c)

A person who is denied access to public records may seek a court order compelling disclosure provided the person has attempted to settle the matter through mediation (G.S. 132- 9(a) and G.S. 7A-38.3E) A court may order the payment of reasonable attorney's fees to a party seeking public records who substantially prevails. Attorneys' fees may not be assessed if the court finds the governmental body or governmental unit acted in reasonable reliance on any of the following:

(1) A judgment or an order of a court applicable to the governmental unit or governmental body.
(2) The published opinion of an appellate court, an order of the North Carolina Business Court, or a final order of the Trial Division of the General Court of Justice.
(3) A written opinion, decision, or letter of the Attorney General.

There are numerous exemptions to the public records law. Some of these exemptions are located in Chapter 132, such as exemptions for confidential communications by legal counsel to a public board, confidential trade secrets, criminal investigations, and sensitive public security information. Others are located elsewhere in the law, such as exclusions for certain information in public employee personnel files (Chapters 115C, 115D, 116, 126, 153A and 160A), individual tax returns (Chapter 105), certain insurance information (Chapter 58) and certain legislative documents (Chapter 120).

Open Meetings - Article 33C of Chapter 143 of the General Statutes provides that the hearings, deliberations and actions of public bodies that administer the legislative, policy-making, quasi-judicial, administrative and advisory functions of North Carolina and its political subdivisions shall be conducted openly. (G.S. 143-318.9) Unless an exemption applies, any person is entitled to attend these meetings (G.S. 143-318.10(a). Subject to certain exceptions, a "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. (G.S. 143-318.10(b)) An "official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction of the public body. :A social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of the law. (G.S. 143-318.10(d) Public meetings must be properly noticed (G.S. 143-318.12(a)), and public bodies must keep full and accurate minutes of what transpires (G.S. 143-318.10(e)). Radio and television stations are entitled to broadcast any portion of a public meeting and individuals may photograph, film, tape-record or otherwise reproduce any part of an open meeting. (G.S. 143-318.14(a)

Public bodies may hold closed sessions under specified circumstances. For example, a public body may go into closed session in order to prevent disclose of information that is otherwise confidential under state or federal law, to consult with an attorney, to deal with certain personnel matters and to hear reports related to alleged criminal misconduct. (G.S .143-318.11(a) Certain bodies are exempt from the open meetings law. These include petite and grand juries, the Judicial Standards Commission, the Legislative Ethics Committee, a conference committee of the General Assembly, law enforcement agencies and the General Court of Justice. (G.S. 143-318. 18)

BILL ANALYSIS:

Section 1 would add a new section to Chapter 132 of the General Statutes. The new section would prohibit the General Assembly from passing a law that would exempt a document from the Public Records law unless the legislation passes by a three-fifths majority of the members present and voting in each chamber.

Section 2 would amend Article 33C of Chapter 143 of the General Statutes. The new section would prohibit the General Assembly from passing a law that would exempt a public body from the Open Meeting law unless the legislation passes by a three-fifths majority of the members present and voting in each chamber.

EFFECTIVE DATE: The act is effective when it becomes law and applies to legislation enacted on or after that date.

H87-SMRC-17(CSRC-11) v2

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

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

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 4.4.2011 Room: 1228

House Sgt-At Arms:

1. Name: Young Bae
2. Name: Carlton Adams
3. Name: Ken Kirby
4. Name:
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

VISITOR REGISTRATION SHEET

Rules — 4.4.2011

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Charles Marshall	Brooks Pierce
Meagan Trawick	NCACC
Matt Farrell	NCSBA
Jessi Hayes	NCHBA
Lisa Martin	NCHBA
David McGowan	NC Realtors
Cady Thomas	NC Realtors
Ardis Watkins	SEANC
Suzanne Bentley	SEANC
Mary O'Keefe	NCSEA
Tony Rice	SEANC

VISITOR REGISTRATION SHEET

House Rules — 4/4/2011

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Stegall	NCAPCS
Mia Bailey	Electri Cities
Bill Brooks	NCFPC

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
April 5, 2011

The Committee on Rules, Calendar and Operations of the House met on April 5, 2011 at 3:21 pm in Room 1327 of the Legislative Building. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Daughtry, Faison, Farmer-Butterfield, Hackney, Hilton, Jeffus, Johnson, Luebke, Moffitt, Parmon, Samuelson, and Stone.

Rep. Stephen LaRoque presided and recognized the Pages and Sergeant-at-Arms.

The Following Bills were considered to be filed as Committee bills if they received favorable recommendation. Chair LaRoque submitted the bills to be voted on by the Committee.

Short Title: Study's Act of 2011
Short Title: Allow Winery's to sell Malt Beverages
Short Title: Study Insurance for Contract Growers

No discussion and debate on the Bills. Representative Moore spoke on the bills. Representative Stone motioned the bills be recommended for introduction. Vote was called. Motion passed. A favorable recommendation was given for the bills to be filed as Committee Bills.

HB-235 Bonnie's Law (Representative Haire, Primary Sponsor) Representative Haire was recognized to explain the bill. Representative Moore motioned to have the Proposed Committee Substitute before the committee. No discussion or debate on the Bill. Representative Owens motioned that the Bill be given a favorable report to the PCS and unfavorable as to its original. Vote was called. Motion passed. Bill was given a favorable report to the PCS and unfavorable to the original.

Committee adjourned at 3:26 pm.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

15 Minutes After Session

April 5, 2011

1327 LOB

Representative Stephen LaRoque Presiding

Remarks:

The following bills will be considered to be filed for Introduction as Committee bills if they receive a favorable recommendation:

Short Title: Study's Act of 2011

Short Title: Allow Winery's to sell Malt Beverages

Short Title: Study Insurance for Contract Growers

Adjourn

Rules, Calendar, and Operations of the House

Agenda

15 Minutes After Session

April 5, 2011

1327 LOB

Representative Stephen LaRoque Presiding

Remarks:

The following bills will be considered to be filed for Introduction as Committee bills if they receive a favorable recommendation:

Short Title: Study's Act of 2011

Short Title: Allow Winery's to sell Malt Beverages

Short Title: Study Insurance for Contract Growers

Adjourn

Corrected Notice Added Bills

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, April 5, 2011
TIME: 15 Min After session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered to be filed for Introduction as Committee bills if they receive a favorable recommendation:

Short Title: Study's Act of 2011
Short Title: Allow Winery's to sell Malt Beverages
Short Title: Study Insurance for Contract Growers

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **1 PM** o'clock on **April 05, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, April 5, 2011
TIME: 15 Min After session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered as a committee for introduction:

Short Titile: Study's Act of 2011

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **April 05, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	02/01/2011	02/02/2011	02/16/2011	03/01/2011	03/08/2011	03/16/2011	3/12011 pm	3/30/2011	4/4/2011	4/5/2011					
Rep. Stephen LaRoque Chair	x	x	x	X	x	x	x	x	X	x					
Rep. Tim Moore Chair	x	x	x	X	x	x	x		X	x					
Rep. Bill Owens Vice Chair	x	x	x	X				x	X	x					
Rep. Johnathan Rhyne Vice Chair	x	x	x		x	x	x		X						
Rep. Martha Alexander	x	x		X	x	x	x	x	X	x					
Rep. John Blust			x	X	x	x	x	x	X	x					
Rep. Jim Crawford	x	x	x			x			X						
Rep. Leo Daughtry	x	x			x	x	x								
Rep. Bill Faison	x	x	x	X	x	x	x	x	X	x					
Rep. Jean Farmer- Butterfield	x	x	x	X		x	x	x	X	x					
Rep. Dale Folwell	x	x	x			x									
Rep. Mitch Gillsepie			x			x	x								
Rep. Joe Hackney	x	x		X	x	x	x		X	x					
Rep. Dewey Hill	x	x	x	X		x	x			x					
Rep. Mark Hilton		x	x		x	x	x	x	X						
Rep. Maggie Jeffus	x	x	x	X	x	x	x			x					
Rep. Linda Johnson			x	X	x	x	x	x	X						
Rep. Paul Luebke	x	x	x	X	x	x	x	x		x					
Rep. Danny McComas	x	x	x				x								
Rep. Tim Moffitt			x	X	x	x	x	x	X	x					
Rep. Earline Parmon	x			X	x	x	x	x	X	x					
Rep. Ruth Samuelson	x	x	x	X	x	x		x		x					
Rep. Paul Stam	x	x	x	X	x	x	x		X						
Rep. Mike Stone	x	x	x	X	x	x	x	x		x					
Kory Goldsmith	x	x	x	X	x	x	x	x		x					
Bill Patterson	x	x	x	X	x	x	x	x	X	x					
Kelly Quick	x	x	x	X	x	x	x	x	X	x					

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH30245-MA-32A (12/01)

Short Title:	Allow Wineries to Sell Malt Beverages.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO ALLOW WINERIES TO SELL MALT BEVERAGES AT RETAIL ON THE PREMISES OF THE WINERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1001(1) reads as rewritten:

"(1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes the retail sale of malt beverages for consumption on the premises and the retail sale of malt beverages in the manufacturer's original container for consumption off the premises. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

a. Restaurants;
b. Hotels;
c. Eating establishments;
d. Food businesses;
e. Retail businesses;
f. Private clubs;
g. Convention centers;
h. Community theatres.

The permit may also be issued to certain breweries as authorized by G.S. 18B-1104(7). This permit may also be issued to certain wineries as authorized by G.S. 18B-1101 or G.S. 18B-1102."

SECTION 2. G.S. 18B-1101 reads as rewritten:

"**§ 18B-1101. Authorization of unfortified winery permit.**

The holder of an unfortified winery permit may:

(1) Manufacture unfortified ~~wine;~~wine.

(2) Sell, deliver and ship unfortified wine in closed containers to wholesalers licensed under this Chapter as authorized by the ABC laws, except that wine may be sold to exporters and nonresident wholesalers only when the purchase is not for resale in this ~~State;~~State.

(2a) Receive, in closed containers, unfortified wine produced inside or outside North Carolina under the winery's label from grapes, berries, or other fruits owned by the winery, and sell, deliver, and ship that wine to wholesalers, exporters, and nonresident wholesalers in the same manner as its wine manufactured in North Carolina. This provision may be used only by a

winery during its first three years of operation or when there is substantial damage to its grapes, berries, or other fruits from catastrophic crop loss. This provision may be used only three years out of every 10 years and notice must be given to the Commission each time this provision is ~~used;~~used.

(3) Ship its wine in closed containers to individual purchasers inside and outside this State in accordance with the provisions of G.S. 18B-1001, 18B-1001.1, and 18B-1001.2, and other applicable provisions of this ~~Chapter;~~Chapter.

(4) Furnish or sell "short-filled" packages, on which State taxes have been or will be paid, to its employees for the use of the employees or their families and guests in this ~~State;~~State.

(5) Regardless of the results of any local wine election, sell the wine owned by the winery at the winery for on- or off-premise consumption upon obtaining the appropriate permit under ~~G.S. 18B-1001;~~G.S. 18B-1001.

(6) Sell the wine manufactured by the winery or produced under the winery's label under subdivision (2a) of this section for on- or off-premise consumption at no more than three other locations in the State, upon obtaining the appropriate permit under ~~G.S. 18B-1001;~~G.S. 18B-1001.

(6a) Receive, in closed containers, and sell at the winery, unfortified wine produced inside or outside North Carolina under contract with the winery. Such contract wine must have the winery's name clearly displayed on each bottle. The contract wine may be sold also at affiliated retail outlets of the winery physically located on or adjacent to the winery. Any wine received by a winery under this provision must be made available for sale by the winery to wholesalers for distribution to retailers, without discrimination, in the same manner as if the wine were being imported by the ~~winery;~~winery.

(7) Obtain a wine wholesaler permit to sell, deliver, and ship at wholesale unfortified wine manufactured at the winery. The authorization of this subdivision applies only to a winery that annually sells, to persons other than exporters and nonresident wholesalers when the purchase is not for resale in this State, no more than 100,000 gallons of unfortified wine manufactured by it at the ~~winery;~~winery.

(8) Allow winemaking on premises as allowed by a permit issued pursuant to G.S. 18B-1001(17).

(9) Sell malt beverages at the winery for on- or off-premises consumption upon obtaining the appropriate permit under G.S. 18B-1001.

A sale under subdivision (4) shall not be considered a retail or wholesale sale under the ABC laws."

SECTION 3. G.S. 18B-1102 reads as rewritten:

"**§ 18B-1102. Authorization of fortified winery permit.**

The holder of a fortified winery permit may:

(1) Manufacture, purchase, import and transport brandy and other ingredients and equipment used in the manufacture of fortified ~~wine;~~wine.

(2) Sell, deliver and ship fortified wine in closed containers to wholesalers licensed under this Chapter as authorized by the ABC laws, except that wine may be sold to exporters and nonresident wholesalers only when the purchase is not for resale in this ~~State;~~State.

(3) Ship its wine in closed containers to individual purchasers inside and outside this State in accordance with the provisions of G.S. 18B-1001, 18B-1001.1, and 18B-1001.2, and other applicable provisions of this ~~Chapter;~~Chapter.

(4) Furnish or sell "short-filled" packages, on which State taxes have been or will be paid, to its employees for the use of the employees or their families and guests in this ~~State;~~State.

(5) Regardless of the results of any local wine election, sell the winery's wine for on-or off-premise consumption upon obtaining the appropriate permit under G.S. 18B-1001.

(6) Sell malt beverages at the winery for on- or off-premises consumption upon obtaining the appropriate permit under G.S. 18B-1001.

A sale under subdivision (4) shall not be considered a retail or wholesale sale under the ABC laws."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH50239-TH-12A (03/24)

Short Title:	Studies Act of 2011.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STUDIES BY THE HOUSE OF REPRESENTATIVES AND THE SENATE, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1. The House of Representatives and the Senate may study various issues, as provided by this act, and may authorize statutory oversight committees and commissions, agencies, and other committees and commissions to undertake studies, as directed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH11151-MH-3 (12/01)

Short Title:	Study Insurance for Contract Growers.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENTS OF AGRICULTURE AND INSURANCE TO STUDY OPTIONS FOR AGRICULTURAL CONTRACT GROWERS TO PROTECT THEMSELVES AGAINST FINANCIAL LOSSES DUE TO WEATHER, NATURAL DISASTERS, OR OTHER ACTS OF GOD.

The General Assembly of North Carolina enacts:

SECTION 1. The Commissioner of Insurance, with the assistance of the Commissioner of Agriculture, shall study the availability and need for insurance products or statutory contractual requirements that will enable agricultural contract growers to protect themselves from financial loss resulting from loss of the contracted animals due to weather, natural disaster, or other act of God. The Commission shall address, at a minimum, the following issues:

(1) The current availability of and need for insurance products to protect contract growers who have a financial investment in the animals they tend, even if they do not own the animals.

(2) Standard contract language and terms in common use in the agricultural contract growing industry, and whether statutory protections or requirements are necessary to protect agricultural contract growers in the State from ruinous financial loss due to weather, natural disasters, or other acts of God.

The Commissioners may submit an interim report to the 2012 Regular Session of the 2011 General Assembly and shall submit a final report of their findings and recommendations, including any legislative proposals, to the 2013 General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH50239-TH-12A (03/24)

Short Title:	Studies Act of 2011.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STUDIES BY THE HOUSE OF REPRESENTATIVES AND THE SENATE, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1. The House of Representatives and the Senate may study various issues, as provided by this act, and may authorize statutory oversight committees and commissions, agencies, and other committees and commissions to undertake studies, as directed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH11151-MH-3 (12/01)

Short Title:	Study Insurance for Contract Growers.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENTS OF AGRICULTURE AND INSURANCE TO STUDY OPTIONS FOR AGRICULTURAL CONTRACT GROWERS TO PROTECT THEMSELVES AGAINST FINANCIAL LOSSES DUE TO WEATHER, NATURAL DISASTERS, OR OTHER ACTS OF GOD.

The General Assembly of North Carolina enacts:

SECTION 1. The Commissioner of Insurance, with the assistance of the Commissioner of Agriculture, shall study the availability and need for insurance products or statutory contractual requirements that will enable agricultural contract growers to protect themselves from financial loss resulting from loss of the contracted animals due to weather, natural disaster, or other act of God. The Commission shall address, at a minimum, the following issues:

(1) The current availability of and need for insurance products to protect contract growers who have a financial investment in the animals they tend, even if they do not own the animals.

(2) Standard contract language and terms in common use in the agricultural contract growing industry, and whether statutory protections or requirements are necessary to protect agricultural contract growers in the State from ruinous financial loss due to weather, natural disasters, or other acts of God.

The Commissioners may submit an interim report to the 2012 Regular Session of the 2011 General Assembly and shall submit a final report of their findings and recommendations, including any legislative proposals, to the 2013 General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 235
PROPOSED COMMITTEE SUBSTITUTE H235-PCS50119-LB-2

Short Title: Bonnie's Law. (Public)

Sponsors:

Referred to:

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO OFFICIALLY DESIGNATE SENATE BILL 140, SESSION LAW 2010-5, AS "BONNIE'S LAW."

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 2010-5 is amended by adding a new section to read:

"**SECTION 1.1.** This act shall be known and may be cited as 'Bonnie's Law.'"

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

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 235 A BILL TO BE ENTITLED AN ACT TO OFFICIALLY DESIGNATE SENATE BILL 140, SESSION LAW 2010-5, AS "BONNIE'S LAW."

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar, and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

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

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar, and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

A BILL TO BE ENTITLED AN ACT TO ALLOW WINERIES TO SELL MALT BEVERAGES AT RETAIL ON THE PREMISES OF THE WINERY.

(FOR JOURNAL USE ONLY)

_____Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar, and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENTS OF AGRICULTURE AND INSURANCE TO STUDY OPTIONS FOR AGRICULTURAL CONTRACT GROWERS TO PROTECT THEMSELVES AGAINST FINANCIAL LOSSES DUE TO WEATHER, NATURAL DISASTERS, OR OTHER ACTS OF GOD.

(FOR JOURNAL USE ONLY)

___Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH30245-MA-32A (12/01)

Short Title:	Allow Wineries to Sell Malt Beverages.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO ALLOW WINERIES TO SELL MALT BEVERAGES AT RETAIL ON THE PREMISES OF THE WINERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1001(1) reads as rewritten:

"(1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes the retail sale of malt beverages for consumption on the premises and the retail sale of malt beverages in the manufacturer's original container for consumption off the premises. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

a. Restaurants;
b. Hotels;
c. Eating establishments;
d. Food businesses;
e. Retail businesses;
f. Private clubs;
g. Convention centers;
h. Community theatres.

The permit may also be issued to certain breweries as authorized by G.S. 18B-1104(7). This permit may also be issued to certain wineries as authorized by G.S. 18B-1101 or G.S. 18B-1102."

SECTION 2. G.S. 18B-1101 reads as rewritten:

"**§ 18B-1101. Authorization of unfortified winery permit.**

The holder of an unfortified winery permit may:

(1) Manufacture unfortified ~~wine;~~wine.

(2) Sell, deliver and ship unfortified wine in closed containers to wholesalers licensed under this Chapter as authorized by the ABC laws, except that wine may be sold to exporters and nonresident wholesalers only when the purchase is not for resale in this ~~State;~~State.

(2a) Receive, in closed containers, unfortified wine produced inside or outside North Carolina under the winery's label from grapes, berries, or other fruits owned by the winery, and sell, deliver, and ship that wine to wholesalers, exporters, and nonresident wholesalers in the same manner as its wine manufactured in North Carolina. This provision may be used only by a

winery during its first three years of operation or when there is substantial damage to its grapes, berries, or other fruits from catastrophic crop loss. This provision may be used only three years out of every 10 years and notice must be given to the Commission each time this provision is ~~used;~~used.

(3) Ship its wine in closed containers to individual purchasers inside and outside this State in accordance with the provisions of G.S. 18B-1001, 18B-1001.1, and 18B-1001.2, and other applicable provisions of this ~~Chapter;~~Chapter.

(4) Furnish or sell "short-filled" packages, on which State taxes have been or will be paid, to its employees for the use of the employees or their families and guests in this ~~State;~~State.

(5) Regardless of the results of any local wine election, sell the wine owned by the winery at the winery for on- or off-premise consumption upon obtaining the appropriate permit under ~~G.S. 18B-1001;~~G.S. 18B-1001.

(6) Sell the wine manufactured by the winery or produced under the winery's label under subdivision (2a) of this section for on- or off-premise consumption at no more than three other locations in the State, upon obtaining the appropriate permit under ~~G.S. 18B-1001;~~G.S. 18B-1001.

(6a) Receive, in closed containers, and sell at the winery, unfortified wine produced inside or outside North Carolina under contract with the winery. Such contract wine must have the winery's name clearly displayed on each bottle. The contract wine may be sold also at affiliated retail outlets of the winery physically located on or adjacent to the winery. Any wine received by a winery under this provision must be made available for sale by the winery to wholesalers for distribution to retailers, without discrimination, in the same manner as if the wine were being imported by the ~~winery;~~winery.

(7) Obtain a wine wholesaler permit to sell, deliver, and ship at wholesale unfortified wine manufactured at the winery. The authorization of this subdivision applies only to a winery that annually sells, to persons other than exporters and nonresident wholesalers when the purchase is not for resale in this State, no more than 100,000 gallons of unfortified wine manufactured by it at the ~~winery;~~winery.

(8) Allow winemaking on premises as allowed by a permit issued pursuant to G.S. 18B-1001(17).

(9) Sell malt beverages at the winery for on- or off-premises consumption upon obtaining the appropriate permit under G.S. 18B-1001.

A sale under subdivision (4) shall not be considered a retail or wholesale sale under the ABC laws."

SECTION 3. G.S. 18B-1102 reads as rewritten:

"**§ 18B-1102. Authorization of fortified winery permit.**

The holder of a fortified winery permit may:

(1) Manufacture, purchase, import and transport brandy and other ingredients and equipment used in the manufacture of fortified ~~wine;~~wine.

(2) Sell, deliver and ship fortified wine in closed containers to wholesalers licensed under this Chapter as authorized by the ABC laws, except that wine may be sold to exporters and nonresident wholesalers only when the purchase is not for resale in this ~~State;~~State.

(3) Ship its wine in closed containers to individual purchasers inside and outside this State in accordance with the provisions of G.S. 18B-1001, 18B-1001.1, and 18B-1001.2, and other applicable provisions of this ~~Chapter;~~Chapter.

(4) Furnish or sell "short-filled" packages, on which State taxes have been or will be paid, to its employees for the use of the employees or their families and guests in this ~~State;~~State.

(5) Regardless of the results of any local wine election, sell the winery's wine for on-or off-premise consumption upon obtaining the appropriate permit under G.S. 18B-1001.

(6) Sell malt beverages at the winery for on- or off-premises consumption upon obtaining the appropriate permit under G.S. 18B-1001.

A sale under subdivision (4) shall not be considered a retail or wholesale sale under the ABC laws."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH50239-TH-12A (03/24)

Short Title:	Studies Act of 2011.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STUDIES BY THE HOUSE OF REPRESENTATIVES AND THE SENATE, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1. The House of Representatives and the Senate may study various issues, as provided by this act, and may authorize statutory oversight committees and commissions, agencies, and other committees and commissions to undertake studies, as directed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH11151-MH-3 (12/01)

Short Title:	Study Insurance for Contract Growers.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENTS OF AGRICULTURE AND INSURANCE TO STUDY OPTIONS FOR AGRICULTURAL CONTRACT GROWERS TO PROTECT THEMSELVES AGAINST FINANCIAL LOSSES DUE TO WEATHER, NATURAL DISASTERS, OR OTHER ACTS OF GOD.

The General Assembly of North Carolina enacts:

SECTION 1. The Commissioner of Insurance, with the assistance of the Commissioner of Agriculture, shall study the availability and need for insurance products or statutory contractual requirements that will enable agricultural contract growers to protect themselves from financial loss resulting from loss of the contracted animals due to weather, natural disaster, or other act of God. The Commission shall address, at a minimum, the following issues:

(1) The current availability of and need for insurance products to protect contract growers who have a financial investment in the animals they tend, even if they do not own the animals.

(2) Standard contract language and terms in common use in the agricultural contract growing industry, and whether statutory protections or requirements are necessary to protect agricultural contract growers in the State from ruinous financial loss due to weather, natural disasters, or other acts of God.

The Commissioners may submit an interim report to the 2012 Regular Session of the 2011 General Assembly and shall submit a final report of their findings and recommendations, including any legislative proposals, to the 2013 General Assembly.

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

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 4/5/11 **Room:** 1228

*Name: Amanda Kuyser
County: Wake
Sponsor: Ingle
*Name: Caroline Ricciarelli
County: Pitt
Sponsor: McLawhorn
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:

House Sgt-At Arms:

1. Name: FRED HINES
2. Name: YOUNG BAE
Name: CHAMP CLARIS
4. Name:
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

Rules — Name of Committee

4/5/11 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rev. Mark Creech	CAL
Jessi Hays	NCHBA
	NCBA
	NFIB

VISITOR REGISTRATION SHEET

Rules — 4/5/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Butch Gunnells	NC Bev Assoc
Barbara Carslon	BBCW
Andrew Cagle	NC Sheriffs' Assn.
Katherine Joyce	NCASA
Dean Wornie	NCSBA
M. Bailey	Electricities.

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
April 6, 2011

The Committee on Rules, Calendar and Operations of the House met on April 6, 2011 at 1:00 pm in Room 1327 of the Legislative Building. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representative Owens Vice Chair, Representative Rhyne Vice Chair, Representatives Alexander, Blust,Crawford, Daughtry, Faison, Farmer-Butterfield, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Parmon, and Stone.

Rep. Tim Moore presided.

The Following Bills were considered to be filed as Committee bills if they received favorable recommendation. Chair LaRoque submitted the bills to be voted on by the Committee.

Short Title: LRC/Study/ Criminal Record Expunctions
Short Title: Study Chicken House Fire Codes

No discussion and debate on the Bills. Representative Moore spoke on the bills. Representative Blust motioned the bills be recommended for introduction. Vote was called. Motion passed. A favorable recommendation was given for the bills to be filed as Committee Bills.

HB-186 Select Committee Investigate CTS (Representative Moffitt, Primary Sponsor) Representative Moffitt was recognized to explain the bill. Discussion and debate on the Bill. Representative Faison motioned that the Bill be given a favorable report. Vote was called. Motion passed. Bill was given a favorable report.

HB 595 Reorganization/Legislative Oversight Comns. (Representative Barnhart and Representative Burr, Primary Sponsors) Representative Burr was recognized to explain the bill. Discussion and debate on the Bill. Representative Rhyne made a motion to put forth an amendment on the Bill. Continued discussion and debate on the bill. No vote was called and will be addressed at a later time.

Chair Moore called for a recession of the Committee at 1:25 until 10 minutes after session.

Chair Moore reconvened at 4:08 pm and adjourned at 4:10 pm.

Respectfully submitted:

Rep Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

1:00 Pm

April 6, 2011

1327 LOB

Representative Tim Moore Presiding

Remarks:

The following bill will be considered to be filed for Introduction as Committee bill if they receive a favorable recommendation:

LRC Study/Criminal Record Expunctions

Study Chicken House Fire Codes

Bills:

HR 186	Select Committee Investigate CTS.	Representative Moffitt
HB 595	Reorganization/Legislative Oversight Comns.	Representative Barnhart
		Representative Burr

Adjourn

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 6, 2011
TIME: 1:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered to be filed for Introduction as Committee bill if they receive a favorable recommendation:

LRC Study/Criminal Record Expunctions
Study Chicken House Fire Codes

BILL NO.	SHORT TITLE	SPONSOR
HR 186	Select Committee Investigate CTS.	Representative Moffitt
HB 595	Reorganization/Legislative Oversight Comns.	Representative Barnhart Representative Burr

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **April 06, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

1:00 Pm

April 6, 2011

1327 LOB

Representative Tim Moore Presiding

Remarks:

The following bill will be considered to be filed for Introduction as Committee bill if they receive a favorable recommendation:

LRC Study/Criminal Record Expunctions

Study Chicken House Fire Codes

Bills:

HR 186	Select Committee Investigate CTS.	Representative Moffitt
HB 595	Reorganization/Legislative Oversight Comns.	Representative Barnhart
		Representative Burr

Adjourn

HOUSE RESOLUTION 186

Sponsors:	Representative Moffitt (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

February 28, 2011

A HOUSE RESOLUTION CREATING A HOUSE SELECT COMMITTEE TO INVESTIGATE THE HANDLING OF THE CTS CONTAMINATION SITE IN BUNCOMBE COUNTY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Be it resolved by the House of Representatives:

SECTION 1. In accordance with House Rule 26(a), there is established the House Select Committee to Investigate the Handling of the CTS Contamination Site.

SECTION 2. The Committee is a committee of investigation as provided by Article 5 of Chapter 120 of the General Statutes with all the powers provided therein to such committees. Activity of the Committee is also governed by Article 5A of Chapter 120 of the General Statutes. Subpoenas shall be issued as provided by G.S. 120-19.2.

SECTION 3. The Committee is charged to conduct an investigation of the Department of Environment and Natural Resources' handling of the CTS contamination site and other related issues in the discretion of the Committee.

SECTION 4. This resolution is effective upon adoption.

HOUSE BILL 595

Short Title:	Reorganization/Legislative Oversight Comns.	(Public)
Sponsors:	Representatives Barnhart and Burr (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 5, 2011

A BILL TO BE ENTITLED

AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

PART I. REORGANIZATION AND CONSOLIDATION OF LEGISLATIVE OVERSIGHT COMMITTEES

LEGISLATIVE SERVICES COMMISSION

SECTION 1.1.(a) G.S. 120-31 reads as rewritten:

"**§ 120-31. Legislative Services Commission organization.**

(a) The Legislative Services Commission shall consist of the President pro tempore of the ~~Senate,~~Senate or a Senator designated by the President Pro Tempore, ~~seven~~ four Senators appointed by the President pro tempore of the Senate, the Speaker of the House of ~~Representatives,~~Representatives or a member of the House of Representatives designated by the Speaker, and ~~seven~~ four Representatives appointed by the Speaker of the House of Representatives. The President pro tempore of the Senate, and the Speaker of the House shall serve until the selection and qualification of their respective successors as officers of the General Assembly. The initial appointive members shall be appointed after the date of ratification of this Article and each shall serve for the remainder of his elective term of office and until his successor is appointed or until he ceases to be a member of the General Assembly, whichever occurs first. A vacancy in one of the appointive positions shall be filled in the same manner that the vacated position was originally filled, and the person so appointed shall serve for the remainder of the unexpired term of the person whom he succeeds. In the event the office of Speaker becomes vacated, the ~~seven~~ four Representatives shall elect one of themselves to perform the duties of the Speaker as required by this Article. In the event the office of President pro tempore becomes vacated, the ~~seven~~ four Senators shall elect one of themselves to perform the duties of President pro tempore as required by this Article. Members so elevated shall perform the duties required by this Article until a Speaker or a President pro tempore is duly elected by the appropriate house.

(b) The President pro tempore of the Senate or his designee from the Commission membership shall be the chairman of the Commission in odd-numbered years and the Speaker

of the House of Representatives or his designee from the Commission membership shall be chairman of the Commission in even-numbered years.

(c) The Commission may elect from its membership such other officers as it deems appropriate, and may appoint other members of the General Assembly to serve on any committee of the Commission.

(d) The Commission may adopt rules governing its own organization and proceedings.

(e) Members of the Commission, when the General Assembly is not in session, shall be reimbursed for subsistence and travel allowance as provided for members of the General Assembly when in session for such days as they are engaged in the performance of their duties.

(f) In any case where any provision of law or any rule of the Legislative Services Commission required approval of any action by the Legislative Services Commission, approval of that action by the President Pro Tempore of the Senate and by the Speaker of the House of Representatives constitutes approval of the Commission."

SECTION 1.1.(b) The terms of the current appointed members of the Legislative Services Commission terminate when this act becomes law.

JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

SECTION 1.2.(a) The duties of the following committees and commissions are transferred to the Joint Legislative Commission on Governmental Operations:

(1) Joint Legislative Oversight Committee on Capital Improvements.
(2) Joint Legislative Commission on Future Strategies for North Carolina.
(3) Joint Select Committee on Low-Level Radioactive Waste.
(4) Legislative Committee on New Licensing Boards.
(5) Joint Legislative Commission on Seafood and Aquaculture.
(6) Joint Legislative Utility Review Commission.

SECTION 1.2.(b) The following portions of Chapter 120 of the General Statutes are repealed:

(1) G.S. 120-70.1 through G.S. 120-70.6, (Article 12A, pertaining to the Joint Legislative Utility Review Commission).
(2) G.S. 120-70.31 through G.S. 120-70.37, (Article 12C, pertaining to the Joint Select Committee on Low-Level Radioactive Waste).
(3) G.S. 120-70.60 through G.S. 120-70.66, (Article 12F, pertaining to the Joint Legislative Commission on Seafood and Aquaculture).
(4) G.S. 120-84.6 through G.S. 120-84.12, (Article 13B, pertaining to the Joint Legislative Commission on Future Strategies for North Carolina).
(5) G.S. 120-149.1 through G.S. 120-149.6, (Article 18A, pertaining to the Legislative Committee on New Licensing Boards).
(6) G.S. 120-258 through G.S. 120-260, (Article 29, pertaining to the Joint Legislative Oversight Committee on Capital Improvements).

SECTION 1.2.(c) G.S. 120-74 reads as rewritten:

"**§ 120-74. Appointment of members; terms of office.**

The Commission shall consist of ~~38~~ 42 members. The President pro tempore of the Senate, the Speaker pro tempore of the House, the Deputy President pro tempore of the Senate, the Majority Leader of the House of Representatives, and the Majority Leader of the Senate and the Speaker of the House shall serve as ex officio members of the Commission. The Speaker of the House of Representatives shall appoint ~~16~~ 21 members from the ~~House.~~House, at least five of whom are members of the minority party. The President pro tempore of the Senate shall appoint ~~16~~ 21 members from the ~~Senate.~~Senate, at least five of whom are members of the minority party. Vacancies created by resignation or otherwise shall be filled by the original appointing authority. Members shall serve two-year terms beginning and ending on January 15 of the odd-numbered years. Members shall not be disqualified from completing a term of

service on the Commission because they fail to run or are defeated for reelection. Resignation or removal from the General Assembly shall constitute resignation or removal from membership on the Commission."

SECTION 1.2.(d) G.S. 120-76 reads as rewritten:

"**§ 120-76. Powers and duties of the Commission.**

The Commission shall have the following powers:

(1) To conduct program evaluation studies of the various components of State agency activity as they relate to:
   a. Service benefits of each program relative to expenditures;
   b. Achievement of program goals;
   c. Use of indicators by which the success or failure of a program may be gauged; and
   d. Conformity with legislative intent.

(2) To study legislation which would result in new programs with statewide implications for feasibility and need. These studies may be jointly conducted with the Fiscal Research Division of the Legislative Services Commission.

(3) To study on a continuing basis the implementation of State government reorganization with respect to:
   a. Improvements in administrative structure, practices and procedures;
   b. The relative effectiveness of centralization and decentralization of management decisions for agency operation;
   c. Opportunities for effective citizen participation; and
   d. Broadening of career opportunities for professional staff.

(4) To make such studies and reports of the operations and functions of State government as it deems appropriate or upon petition by resolution of either the Senate or the House of Representatives.

(5) To produce routine written reports of findings for general legislative and public distribution. Special attention shall be given to the presentation of findings to the appropriate committees of the Senate and the House of Representatives. If findings arrived at during a study have a potential impact on either the finance or appropriations deliberations, such findings shall immediately be presented to the committees. Such reports shall contain recommendations for appropriate executive action and when legislation is considered necessary to effect change, draft legislation for that purpose may be included. Such reports as are submitted shall include but not be limited to the following matters:
   a. Ways in which the agencies may operate more economically and efficiently;
   b. Ways in which agencies can provide better services to the State and to the people; and
   c. Areas in which functions of State agencies are duplicative, overlapping, or failing to accomplish legislative objectives, or for any other reason should be redefined or redistributed.

(6) To devise a system, in cooperation with the Fiscal Research Division of the Legislative Services Commission, whereby all new programs authorized by the General Assembly incorporate an evaluation component. The results of such evaluations may be made to the Appropriations Committees at the beginning of each regular session.

(7) To evaluate and approve or deny requests from the Department of Transportation regarding the funding of federally eligible construction projects as provided in the fourth paragraph of G.S. 136-44.2.

(8) The Joint Legislative Commission on Governmental Operations shall be consulted by the Governor before the Governor does any of the following:

a. Repealed by Session Laws 2007-117, s. 2, effective July 1, 2007.

b. Authorizes expenditures in excess of the total requirements of a purpose or program as enacted by the General Assembly and as provided by G.S. 143C-6-4.

c. Proceeds to reduce programs subsequent to a reduction of ten percent (10%) or more in the federal fund level certified to a department and any subsequent changes in distribution formulas.

d. Takes extraordinary measures under Article III, Section 5(3) of the Constitution to effect necessary economies in State expenditures required for balancing the budget due to a revenue shortfall, including, but not limited to, the following: loans among funds, personnel freezes or layoffs, capital project reversions, program eliminations, and use of reserves. However, if the Committee fails to meet within 10 calendar days of a request by the Governor for its consultation, the Governor may proceed to take the actions he feels are appropriate and necessary and shall then report those actions at the next meeting of the Commission.

e. Approves a new capital improvement project funded from gifts, grants, receipts, special funds, self-liquidating indebtedness, and other funds or any combination of funds for the project not specifically authorized by the General Assembly. The budget for each capital project must include projected revenues in an amount not less than projected expenditures.

(9) To examine, on a continuing basis, capital improvements approved and undertaken for State facilities and institutions and to have oversight over implementation of the six-year capital improvements plan developed pursuant to G.S. 143C-8-5.

(10) To establish a subcommittee to evaluate the need for any new licensing board by establishing criteria and procedures for reviewing proposed licensing boards. To assure that no new licensing board shall be established unless the following criteria are met:

a. The unregulated practice of the profession or occupation can substantially harm or endanger the public health, safety, or welfare, and the potential for such harm is recognizable and not remote or dependent upon tenuous argument.

b. The profession or occupation possesses qualities that distinguish it from ordinary labor.

c. Practice of the profession or occupation requires specialized skill or training.

d. A substantial majority of the public does not have the knowledge or experience to evaluate whether the practitioner is competent.

e. The public is not effectively protected by other means.

f. Licensure will not have a substantial adverse economic impact upon consumers of the practitioner's goods or services.

(11) To evaluate the North Carolina Utilities Commission, by doing the following:

a. Reviewing the actions of the North Carolina Utilities Commission, including the review of its interim and final orders, to the end that the members of the General Assembly may better judge whether these

actions serve the best interest of the citizens of North Carolina, individual and corporate.

b. Inquiring into the role of the North Carolina Utilities Commission, the Public Staff, and the several utility companies in the development of alternate sources of energy.

c. Submitting evaluations to the General Assembly, from time to time, of the performance of the North Carolina Utilities Commission, the Public Staff, and the various utilities operating in the State. A proposed draft of such evaluations shall be submitted to the North Carolina Utilities Commission, the Public Staff, and the affected public utilities prior to submission to the General Assembly, and the affected entity shall be given an opportunity to be heard before the Commission prior to the completion of the evaluation and its submission to the General Assembly.

(12) To make reports and recommendations to the General Assembly, from time to time, on matters relating to the powers and duties set out in this section.

(13) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting any of the duties of the Commission.

(14) To review and evaluate changes in federal law and regulation, or changes brought about by court actions, as well as changes in technology affecting any of the duties of the Commission, to determine whether the State's laws require modification as a result of those changes."

SECTION 1.2.(e) G.S. 120-76.1 reads as rewritten:

"**§ 120-76.1. Prior consultation with the ~~Commission.~~Commission; reporting requirements.**

(a) Consultation by Governor. – Notwithstanding the provisions of G.S. 120-76(8) or any other provision of law requiring prior consultation by the Governor with the Commission, whenever an expenditure is required because of an emergency that poses an imminent threat to public health or public safety, and is either the result of a natural event, such as a hurricane or a flood, or an accident, such as an explosion or a wreck, the Governor may take action without consulting the Commission if the action is determined by the Governor to be related to the emergency. The Governor shall report to the Commission on any expenditures made under this subsection no later than 30 days after making the expenditure and shall identify in the report the emergency, the type of action taken, and how it was related to the emergency.

(b) Consultation by Agencies, Boards, and Commission. – Any agency, board, commission, or other entity required under G.S. 120-76(8) or any other provision of law to consult with the Commission prior to taking an action shall submit a detailed report of the action under consideration to the Chairs of the Commission, the Commission Assistant, and the Fiscal Research Division of the General Assembly. If the Commission does not hold a meeting to hear the consultation within 90 days of receiving the submission of the detailed report, the consultation requirement is satisfied. With regard to capital improvement projects of The University of North Carolina, if the Commission does not hold a meeting to hear the consultation within 30 days of receiving the submission of the detailed report, the consultation requirement of G.S. 120-76(8)e. is satisfied.

(c) Exemptions. – Consultations regarding the establishment of new fees and charges and the increase of existing fees and charges are governed by G.S. 12-3.1, and this section does not apply to those consultations."

JOINT REGULATORY REFORM COMMITTEE

SECTION 1.3.(a) The duties of the Joint Legislative Administrative Procedures Oversight Committee are transferred to the Joint Regulatory Reform Committee.

SECTION 1.3.(b) Article 12K of Chapter 120 of the General Statutes, G.S. 120-70.100 through G.S. 120-70.102, is repealed.

SECTION 1.3.(c) Section 3 of Resolution 2011-2 reads as rewritten:

"**SECTION 3.** Powers. – The Joint Regulatory Reform Committee has the following powers and duties:

(1) Hold meetings and receive input from the public, regulated community, and agencies regarding outdated, unnecessary, unduly burdensome, or vague rules and rule-making procedures that are an impediment to private sector job creation.

(2) Evaluate the reform suggestions presented during the public comment process and determine which warrant introduction and consideration during the 2011 Session of the General Assembly in 2011 or 2012.

(3) Review the rule-making process to determine if the procedures for adopting rules give adequate consideration to the potential impact on job creation.

(3a) Review rules to which the Rules Review Commission has objected to determine if statutory changes are needed to enable the agency to fulfill the intent of the General Assembly.

(3b) Receive reports prepared by the Rules Review Commission containing the text and a summary of each rule approved by the Commission.

(3c) Review the activities of State occupational licensing boards to determine if the boards are operating in accordance with statutory requirements and if the boards are still necessary to achieve the purposes for which they were created. This review shall not include decisions concerning board personnel matters or determinations on individual licensing applications or individual disciplinary actions.

(3d) Review State regulatory programs to determine if the programs overlap, have conflicting goals, or could be simplified and still achieve the purpose of the regulation.

(4) Report to the General Assembly concerning any recommendations for statutory changes."

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

SECTION 1.4.(a) The duties of the Joint Legislative Committee on Domestic Violence are transferred to the Joint Legislative Oversight Committee on Justice and Public Safety.

SECTION 1.4.(b) Article 30 of Chapter 120 of the General Statutes, G.S. 120-265 through G.S. 120-267, is repealed.

SECTION 1.4.(c) Article 12J of Chapter 120 of the General Statutes reads as rewritten:

"Article 12J.

"Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety.

"**§ 120-70.93. Creation and membership of Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety.**

The Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety is established. The Committee consists of ~~16~~ 22 members as follows:

(1) ~~Eight~~ Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least ~~two~~ three of whom are members of the minority party; and

(2) ~~Eight~~ Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within30 days by the officer who made the original appointment.

"**§ 120-70.94. Purpose and powers of Committee.**

(a) The Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

(1) Study the budget, programs, and policies of the Departments of Correction, Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention to determine ways in which the General Assembly may improve the effectiveness of those Departments;

(2) Examine the effectiveness of the Department of Correction in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release;

(2a) Examine the effectiveness of the Department of Crime Control and Public Safety in implementing the duties and responsibilities charged to the Department in G.S. 143B-474 and the overall effectiveness and efficiency of law enforcement in the State;

(2b) Examine the effectiveness of the Department of Juvenile Justice and Delinquency Prevention in implementing the duties and responsibilities charged to the Department in Article 12 of Chapter 143B of the General Statutes and the overall effectiveness and efficiency of the juvenile justice system in the State; ~~and~~

~~(3) Study any other matters that the Committee considers necessary.~~

(3a) Study and evaluate the funding sources and needs of domestic violence programs providing services to domestic violence victims and programs providing treatment to domestic violence abusers;

(4) Study legal services funding for domestic violence victims and explore additional sources of funding;

(5) Explore sources of additional funding for all domestic violence programs, including visitation centers;

(6) Examine current programs and explore new programs to provide effective services to domestic violence victims and treatment to domestic violence abusers;

(7) Examine law enforcement and judicial responses to domestic violence;

(8) Review data collected on domestic violence cases pursuant to G.S. 15A-1382.1;

(9) Study the effectiveness of the Crime Victims Rights Act as it relates to domestic violence; and

(10) Study any other matter that the Committee considers necessary.

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

"**§ 120-70.95. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

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

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

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

SECTION 1.5.(a) The duties of the Legislative Study Commission on Children and Youth are transferred to the Joint Legislative Education Oversight Committee.

SECTION 1.5.(b) Article 24 of Chapter 120 of the General Statutes, G.S. 120-215 through G.S. 120-221, is repealed.

SECTION 1.5.(c) G.S. 120-70.80 reads as rewritten:

"**§ 120-70.80. Creation and membership of Joint Legislative Education Oversight Committee.**

The Joint Legislative Education Oversight Committee is established. The Committee consists of 22 members as follows:

(1) Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least ~~two~~ three of whom are members of the minority party; and

(2) Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

SECTION 1.5.(d) G.S. 120-70.81 reads as rewritten:

"**§ 120-70.81. Purpose and powers of Committee.**

(a) The Joint Legislative Education Oversight Committee shall examine, on a continuing basis, the several educational institutions in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve public education from kindergarten through higher education. In this examination, the Committee ~~shall:~~may:

(1) Study the budgets, programs, and policies of the Department of Public Instruction, the State Board of Education, the Community Colleges System Office, the Board of Governors of The University of North Carolina, and the constituent institutions of The University of North Carolina to determine ways in which the General Assembly may encourage the improvement of all education provided to North Carolinians and may aid in the development of more integrated methods of institutional accountability;

(2) Examine, in particular, the Basic Education Plan and the School Improvement and Accountability Act of 1989, to determine whether changes need to be built into the plans, whether implementation schedules need to be restructured, and how to manage the ongoing development of the policies underlying these legislative plans, including a determination of whether there is a need for the legislature to develop ongoing funding patterns for these plans;

(3) Study other states' educational initiatives in public schools, community colleges, and public universities, in order to provide an ongoing commentary to the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and

(4) Study any other educational matters that the Committee considers necessary to fulfill its mandate.

(5) Study the needs of children and youth. This study may include, but is not limited to:

a. Determining the adequacy and appropriateness of services:
   1. To children and youth receiving child welfare services;
   2. To children and youth in the juvenile court system;
   3. Provided by the Division of Social Services and the Department of Juvenile Justice and Delinquency Prevention;
   4. To children and youth served by the Mental Health, Developmental Disabilities, and Substance Abuse Services system.

b. Developing methods for identifying and providing services to children and youth not receiving but in need of child welfare services, children and youth at risk of entering the juvenile court system, and children and youth exposed to domestic violence situations.

c. Developing strategies for addressing the issues of school dropout, teen suicide, and adolescent pregnancy.

d. Identifying and evaluating the impact on children and youth of other economic and environmental issues.

e. Identifying obstacles to ensuring that children who are in secure or nonsecure custody are placed in safe and permanent homes within a reasonable period of time and recommending strategies for overcoming those obstacles. The Commission shall consider what, if anything, can be done to expedite the adjudication and appeal of abuse and neglect charges against parents so that decisions may be

made about the safe and permanent placement of their children as quickly as possible.

(6) Evaluate problems associated with juveniles who are beyond the disciplinary control of their parents, including juveniles who are runaways, and develop solutions for addressing the problems of those juveniles.

(7) Identify strategies for the development and funding of a comprehensive statewide database relating to children and youth to facilitate State agency planning for delivery of services to children and youth.

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

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES

SECTION 1.6.(a) The duties of the following commissions and committees are transferred to the Joint Legislative Oversight Committee on Health and Human Services, established by subsection (c) of this section:

(1) North Carolina Study Commission on Aging.

(2) Joint Legislative Health Care Oversight Committee.

(3) Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services.

(4) Public Health Study Commission.

SECTION 1.6.(b) The following portions of Chapter 120 of the General Statutes are repealed:

(1) G.S. 120-70.110 through G.S. 120-70.112, (Article 12M, pertaining to the Joint Legislative Health Care Oversight Committee).

(2) G.S. 120-180 through G.S. 120-188, (Article 21, pertaining to the North Carolina Study Commission on Aging).

(3) G.S. 120-195 through G.S. 120-203, (Article 22, pertaining to the Public Health Study Commission).

(4) G.S. 120-240 through G.S. 120-244, (Article 27, pertaining to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services).

SECTION 1.6.(c) Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 23A.

"Joint Legislative Oversight Committee on Health and Human Services.

"**§ 120-208. Creation and membership of Joint Legislative Oversight Committee on Health and Human Services.**

(a) The Joint Legislative Oversight Committee on Health and Human Services is established. The Committee consists of 22 members as follows:

(1) Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least three of whom are members of the minority party; and

(2) Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

(b) Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. 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.

(c) 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.

"**§ 120-208.1. Purpose and powers of Committee.**

(a) The Joint Legislative Oversight Committee on Health and Human Services shall examine, on a continuing basis, the systemwide issues affecting the development, budgeting, financing, administration, and delivery of health and human services, including issues relating to the governance, accountability, and quality of health and human services delivered to individuals and families in this State. The Committee shall make ongoing recommendations to the General Assembly on ways to improve the quality and delivery of services and to maintain a high level of effectiveness and efficiency in system administration at the State and local levels. In conducting its examination, the Committee shall do all of the following:

(1) Study the budgets, programs, and policies of each Division within the Department of Health and Human Services, to determine ways in which the General Assembly may encourage improvement in the budgeting and delivery of health and human services provided to North Carolinians.

(2) Examine, in particular, issues relating to services provided by the following Divisions within the Department of Health and Human Services:

a. Aging and Adult Services.

b. Medical Assistance.

c. Mental Health, Developmental Disabilities, and Substance Abuse Services.

d. Public Health.

e. Social Services.

(3) Study other states' health and human services initiatives, in order to provide an ongoing commentary to the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and

(4) Study any other health and human services matters that the Committee considers necessary to fulfill its mandate.

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

"**§ 120-208.2. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Oversight Committee on Health and Human Services. The Committee shall meet at least once per quarter, except while the General Assembly is in regular session, and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is 10 members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

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

House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

(d) The Committee cochairs may establish subcommittees for the purpose of examining issues relating to services provided by particular Divisions within the Department of Health and Human Services.

"**§ 120-208.3. Additional powers.**

The Joint Legislative Oversight Committee on Health and Human Services, while in discharge of official duties, shall have access to any paper or document, and may compel the attendance of any State official or employee before the Committee or secure any evidence under G.S. 120-19. In addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Committee as if it were a joint committee of the General Assembly.

"**§ 120-208.4. Reports to Committee.**

Whenever a Division within the Department of Health and Human Services is required by law to report to the General Assembly or to any of its permanent, study, or oversight committees or subcommittees on matters affecting that Division, the Department shall transmit a copy of the report to the cochairs of the Joint Legislative Oversight Committee on Health and Human Services."

JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

SECTION 1.7.(a) The duties of the Future of the North Carolina Railroad Study Commission are assigned to the Joint Legislative Transportation Oversight Committee.

SECTION 1.7.(b) Article 28 of Chapter 120 of the General Statutes, G.S. 120-245 through G.S. 120-255, is repealed.

SECTION 1.7.(c) G.S. 120-70.50 reads as rewritten:

"**§ 120-70.50. Creation and membership of Joint Legislative Transportation Oversight Committee.**

The Joint Legislative Transportation Oversight Committee is established. The Committee consists of ~~18~~ 22 members as follows:

(1) ~~Nine~~ Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least ~~two~~ three of whom are members of the minority party; and

(2) ~~Nine~~ Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

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. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

SECTION 1.7.(d) G.S. 120-70.51(a) reads as rewritten:

"(a) The Joint Legislative Transportation Oversight Committee may:

(1) Review reports prepared by the Department of Transportation or any other agency of State government related, in any manner, to transportation, when those reports are required by any law.

(2) Monitor the funds deposited in and expenditures from the North Carolina Highway Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation.

(3) Determine whether funds related, in any manner, to transportation are being spent in accordance with law.

(4) Determine whether any revisions are needed in the funding for a program for which funds in the Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation may be used, including revisions needed to meet any statutory timetable or program.

(4a) Examine the importance of railroads and railroad infrastructure improvements to economic development in North Carolina, including improvements to short-line railroads.

(4b) Study issues important to the future of passenger and freight rail service in North Carolina.

(4c) Determine methods to expedite property disputes between railroads and private landowners.

(4d) Study all aspects of the operation, structure, management, and long-range plans of the North Carolina Railroad.

(5) Report to the General Assembly at the beginning of each regular session concerning its determinations of needed changes in the funding or operation of programs related, in any manner, to transportation."

JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT

SECTION 1.8.(a) Part 1 of Article 20 of Chapter 120 of the General Statutes reads as rewritten:

"Article 20.

"Joint Legislative ~~Commission~~ Committee on ~~Municipal Incorporations.~~Local Government.

"Part 1. Organization.

"**§ 120-157.1. Committee established.**

(a) The Joint Legislative Committee on Local Government is established. The Committee shall consist of 14 members, appointed as follows:

(1) Seven members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom shall be members of the minority party. At least one member shall be a former city or county commissioner, city or county manager, or other city or county elected official.

(2) Seven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least two of whom shall be members of the minority party. At least one member shall be a former city or county commissioner, city or county manager, or other city or county elected official.

(b) Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. 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.

(c) 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.

"**§ 120-157.2. Purpose and powers of Committee.**

(a) The Joint Legislative Committee on Local Government shall review and monitor local government capital projects that are required to go before the Local Government Commission and require debt to be issued over one million dollars ($1,000,000), with the exception of schools, jails, courthouses, and administrative buildings. Any project that fits these criteria must be reported to the Committee Chairs, Committee Assistant, and the Fiscal Research Division at least 45 days prior to presentation before the Local Government Commission.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly shall include the purpose, scope, debt requirements, financing methods, and repayment plans of any local governmental capital project reviewed pursuant to subsection (a) of this section and may contain any legislation needed to implement a recommendation of the Committee.

"**§ 120-157.3. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Committee on Local Government. The Committee may meet on days when the members of the General Assembly are entitled to subsistence pursuant to G.S. 120-3.1 and may meet at other times upon the joint call of the cochairs.

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

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

"**§ 120-157.4. Additional powers.**

The Joint Legislative Committee on Local Government, while in discharge of official duties, shall have access to any paper or document, and may compel the attendance of any State official or employee before the Committee or secure any evidence under G.S. 120-19. In addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Committee as if it were a joint committee of the General Assembly.

"**§ 120-158. Creation of ~~Commission.~~Municipal Incorporations Subcommittee.**

(a) There is created the ~~Joint Legislative Commission on~~ Municipal ~~Incorporations, referred to in this Article as "Commission".~~Incorporations Subcommittee of the Joint Legislative Committee on Local Government.

(b) The Commission shall consist of six members, appointed as follows:

(1) ~~Two~~ Three Senators appointed by the President Pro Tempore of the ~~Senate;~~Senate, at least one of whom shall be a former city or county commissioner, city or county manager, or other local elected official.

(2) ~~Two~~ Three House members appointed by the ~~Speaker;~~Speaker of the House of Representatives, at least one of whom shall be a former city or county commissioner, city or county manager, or other local elected official.

~~(3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and~~

~~(4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.~~

"**§ 120-159. ~~Terms.~~Terms; meetings.**

(a) Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued

eligibility for the category. The ~~Commission~~ Municipal Incorporations Subcommittee shall elect a ~~chairman~~ chair from its membership for a one-year term.

(b) The Subcommittee may meet on days when the members of the General Assembly are entitled to subsistence pursuant to G.S. 120-3.1 and may meet at other times upon the joint call of the cochairs.

~~"§ 120-160. Compensation.~~

~~Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.~~

~~"§ 120-161. Facilities and staff.~~

~~The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the School of Government at the University of North Carolina at Chapel Hill, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.~~"

JOINT LEGISLATIVE ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE

SECTION 1.10.(a) G.S. 120-70.130 reads as rewritten:

"**§ 120-70.130. Creation and membership of Joint Legislative Economic Development Oversight Committee.**

The Joint Legislative Economic Development Oversight Committee is established. The Committee consists of ~~12~~ 22 members as follows:

(1) ~~Six~~ Eleven members of the Senate appointed by the President Pro Tempore of the ~~Senate;~~Senate, at least three of whom are members of the minority party; and

(2) ~~Six~~ Eleven members of the House of Representatives appointed by the Speaker of the House of ~~Representatives.~~Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 2007 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

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

SECTION 1.10.(b) G.S. 120-70.131 reads as rewritten:

"**§ 120-70.131. Purpose and powers of Committee.**

(a) The Joint Legislative Economic Development Oversight Committee shall examine, on a continuing basis, economic growth and development issues and strategies in North Carolina in order to make ongoing recommendations to the General Assembly on ways to promote cost-effective economic development initiatives. In this examination, the Committee may:

(1) Study the budgets, programs, and policies of the Department of Commerce, the North Carolina Partnership for Economic Development, and other State, regional, and local entities involved in economic development.

(2) Analyze legislation from other states regarding economic development.

(3) Analyze proposals produced by the Economic Development Board.

(3a) Request the Department of Commerce to provide an annual report by January 15 of each year on the effectiveness of the following economic development programs:
a. Job Development Investment Grant Program (JDIG).
b. One North Carolina.
c. Article 3J Credits.
d. Job Maintenance and Capital Development Fund (JMAC).
(4) Study any other matters that the Committee considers necessary to fulfill its mandate.

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

ENVIRONMENTAL REVIEW COMMISSION

SECTION 1.13. G.S. 120-70.42 reads as rewritten:

"**§ 120-70.42. Membership; cochairs; vacancies; quorum.**

(a) The Environmental Review Commission shall consist of six Senators appointed by the President Pro Tempore of the Senate, six Representatives appointed by the Speaker of the House of Representatives, who shall serve at the pleasure of their appointing officer, the Chair or a Cochair of the Senate Committee on Agriculture, Environment, and Natural Resources or the equivalent committee, the Chair or a Cochair of the House of Representatives Committee on Environment and Natural Resources or the equivalent committee, the Chair or a Cochair of the Senate Committee on Appropriations – Natural and Economic Resources or the equivalent committee, and the Chair or a Cochair of the House of Representatives Committee on Appropriations – Natural and Economic Resources or the equivalent committee.

(b) The President Pro Tempore of the Senate shall designate one or more Senators and the Speaker of the House of Representatives shall designate one or more Representatives to serve as cochairs.

(c) Except as otherwise provided in this subsection, a member of the Commission shall continue to serve for so long as the member remains a member of the General Assembly and no successor has been appointed. A member of the Commission who does not seek reelection or is not reelected to the General Assembly may complete a term of service on the Commission until the day on which a new General Assembly convenes. A member of the Commission who resigns or is removed from service in the General Assembly shall be deemed to have resigned or been removed from service on the Commission. Any vacancy that occurs on the Environmental Review Commission shall be filled in the same manner as the original appointment.

(d) A quorum of the Environmental Review Commission shall consist of ~~nine~~ seven members."

PART II. CONFORMING CHANGES

SECTION 2.1. G.S. 7A-346.3 reads as rewritten:

"**§ 7A-346.3. Impaired driving integrated data system report.**

The information compiled by G.S. 7A-109.2 shall be maintained in an Administrative Office of the Courts database. By March 1, the Administrative Office of the Courts shall provide an annual report of the previous calendar year to the Joint Legislative Commission on Governmental Operations and the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety. The annual report shall show the types of dispositions for the entire State by county, by judge, by prosecutor, and by defense attorney. This report shall also include the amount of fines, costs,

and fees ordered at the disposition of the charge, the amount of any subsequent reduction, amount collected, and the amount still owed, and compliance with sanctions of community service, jail, substance abuse assessment, treatment, and education. The Administrative Office of the Courts shall facilitate public access to the information collected under this section by posting this information on the court's Internet page in a manner accessible to the public and shall make reports of any information collected under this section available to the public upon request and without charge."

SECTION 2.2. G.S. 7A-409.1(g) reads as rewritten:

"(g) The State Judicial Council shall report to the General Assembly and the Chief Justice no later than December 31, 2009, and no later than December 31 of every third year, regarding the implementation of S.L. 2006-184 and shall include in its report the statistics regarding inquiries and any recommendations for changes. The House of Representatives and the Senate shall refer the report of the State Judicial Council to the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety and such other committees as the Speaker of the House of Representatives or the President Pro Tempore of the Senate shall deem appropriate, for their review."

SECTION 2.3. G.S. 15A-266.5 reads as rewritten:

"**§ 15A-266.5. Tests to be performed on DNA sample.**

(a) The tests to be performed on each DNA sample are:

(1) To analyze and type only the genetic markers that are used for identification purposes contained in or derived from the DNA.

(2) For law enforcement identification purposes.

(3) For research and administrative purposes, including:

a. Development of a population database when personal identifying information is removed.

b. To support identification research and protocol development of forensic DNA analysis methods.

c. For quality control purposes.

d. To assist in the recovery or identification of human remains from mass disasters or for other humanitarian purposes, including identification of missing persons.

(b) The DNA record of identification characteristics resulting from the DNA testing shall be stored and maintained by the SBI in the State DNA Database. The DNA sample itself will be stored and maintained by the SBI in the State DNA Databank.

(c) The SBI shall report annually to the Joint Legislative Commission on Governmental Operations and to the Joint Legislative ~~Corrections, Crime Control and Juvenile Justice Oversight Committee,~~Oversight Committee on Justice and Public Safety, on or before February 1, with information for the previous calendar year, which shall include: a summary of the operations and expenditures relating to the DNA Database and DNA Databank; the number of DNA records from arrestees entered; the number of DNA records from arrestees that have been expunged; and the number of DNA arrestee matches or hits that occurred with an unknown sample, and how many of those have led to an arrest and conviction; and how many letters notifying defendants that a record and sample have been expunged, along with the number of days it took to complete the expunction and notification process, from the date of the receipt of the verification form from the State.

(d) The Department of Justice, in consultation with the Administrative Office of the Courts and the Conference of District Attorneys, shall study, develop, and recommend an automated procedure to facilitate the process of expunging DNA samples and records taken pursuant to G.S. 15A-266.3A, and shall report to the Joint Legislative Commission on Governmental Operations, the Joint Legislative ~~Corrections, Crime Control and Juvenile~~

~~Justice Oversight Committee,~~ Oversight Committee on Justice and Public Safety, and the Courts Commission, on or before February 1, 2011."

SECTION 2.4. G.S. 15A-1475 reads as rewritten:

"**§ 15A-1475. Reports.**

Beginning January 1, 2008, and annually thereafter, the North Carolina Innocence Inquiry Commission shall report on its activities to the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety and the State Judicial Council. The report may contain recommendations of any needed legislative changes related to the activities of the Commission. The report shall recommend the funding needed by the Commission, the district attorneys, and the State Bureau of Investigation in order to meet their responsibilities under S.L. 2006-184. Recommendations concerning the district attorneys or the State Bureau of Investigation shall only be made after consultations with the North Carolina Conference of District Attorneys and the Attorney General."

SECTION 2.5. G.S. 58-42-45 reads as rewritten:

"**§ 58-42-45. Article subject to Administrative Procedure Act; legislative oversight of plans.**

(a) The provisions of Chapter 150B of the General Statutes shall apply to this Article.

(b) At the same time the Commissioner issues a notice of hearing under G.S. 150B-38, the Commissioner shall provide copies of the notice to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee and to the Joint Legislative Commission on Governmental Operations. The Commissioner shall provide the Committee and Commission with copies of any plan promulgated by or approved by the Commissioner under G.S. 58-42-1(1) or (2)."

SECTION 2.6. G.S. 58-50-95 reads as rewritten:

"**§ 58-50-95. Report by Commissioner.**

The Commissioner shall report annually to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services regarding the nature and appropriateness of reviews conducted under this Part. The report, which shall be provided to the public upon request, should include the number of reviews, underlying issues in dispute, character of the reviews, dollar amounts in question, whether the review was decided in favor of the covered person or the health benefit plan, the cost of review, and any other information relevant to the evaluation of the effectiveness of this Part."

SECTION 2.7. G.S. 58-50-180(g) reads as rewritten:

"(g) The Executive Director shall make an annual report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Commissioner, the Joint Legislative ~~Health Care~~ Oversight ~~Committee,~~Committee on Health and Human Services, and the Committee on Employee Hospital and Medical Benefits. The report shall summarize the activities of the Pool in the preceding calendar year, including the net written and earned premiums, benefit plan enrollment, the expense of administration, and the paid and incurred losses."

SECTION 2.8. G.S. 62-15(a) reads as rewritten:

"(a) There is established in the Commission the office of executive director, whose salary and longevity pay shall be the same as that fixed for members of the Commission. "Service" for purposes of longevity pay means service as executive director of the public staff. The executive director shall be appointed by the Governor subject to confirmation by the General Assembly by joint resolution. The name of the executive director appointed by the Governor shall be submitted to the General Assembly on or before May 1 of the year in which the term of his office begins. The term of office for the executive director shall be six years, and the initial term shall begin July 1, 1977. The executive director may be removed from office by the Governor in the event of his incapacity to serve; and the executive director shall be removed from office by the Governor upon the affirmative recommendation of a majority of

the Commission, after consultation with the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations of the General Assembly. In case of a vacancy in the office of executive director for any reason prior to the expiration of his term of office, the name of his successor shall be submitted by the Governor to the General Assembly, not later than four weeks after the vacancy arises. If a vacancy arises in the office when the General Assembly is not in session, the executive director shall be appointed by the Governor to serve on an interim basis pending confirmation by the General Assembly."

SECTION 2.9. G.S. 62-15(h) reads as rewritten:

"(h) The executive director is authorized to employ, subject to approval by the State Budget Officer, expert witnesses and such other professional expertise as the executive director may deem necessary from time to time to assist the public staff in its participation in Commission proceedings, and the compensation and expenses therefor shall be paid by the utility or utilities participating in said proceedings. Such compensation and expenses shall be treated by the Commission, for rate-making purposes, in a manner generally consistent with its treatment of similar expenditures incurred by utilities in the presentation of their cases before the Commission. An accounting of such compensation and expenses shall be reported annually to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations and to the Speaker of the House of Representatives and the President Pro Tempore of the Senate."

SECTION 2.10. G.S. 62-36A(c) reads as rewritten:

"(c) Within 180 days after all local distribution companies have filed their initial or biennial update reports, the Commission and the Public Staff shall independently provide analyses and summaries of those reports, together with status reports of natural gas service in the State, to the Joint Legislative ~~Utility Review Committee.~~Commission on Governmental Operations."

SECTION 2.11. G.S. 62-133.2(g) reads as rewritten:

"(g) On July 1 of every odd-numbered year, the Utilities Commission shall provide a report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations summarizing the proceedings conducted pursuant to this section during the preceding two years."

SECTION 2.12. G.S. 62-133.5(k) reads as rewritten:

"(k) To evaluate the affordability and quality of local exchange service provided to consumers in this State, a local exchange company or competing local provider offering basic local residential exchange service that elects to have its rates, terms, and conditions for its services determined pursuant to the plan described in subsection (h) of this section shall make an annual report to the General Assembly on the state of its company's operations. The report shall be due 30 days after the close of each calendar year and shall cover the period from January 1 through December 31 of the preceding year. The Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations must review the annual reports and decide whether to recommend that the General Assembly take corrective action in response to those reports. The report shall include the following:

(1) An analysis of telecommunications competition by the local exchange company or competing local provider, including access line gain or loss and the impact on consumer choices from enactment of the Consumer Choice and Investment Act of 2009.

(2) An analysis of service quality based on customer satisfaction studies from enactment of the Consumer Choice and Investment Act of 2009.

(3) An analysis of the level of local exchange rates from enactment of the Consumer Choice and Investment Act of 2009."

SECTION 2.13. G.S. 62-133.8(j) reads as rewritten:

"(j) Report. – No later than October 1 of each year, the Commission shall submit a report on the activities taken by the Commission to implement, and by electric power suppliers to comply with, the requirements of this section to the Governor, the Environmental Review Commission, and the Joint Legislative ~~Utility Review Committee.~~Commission on Governmental Operations. The report shall include any public comments received regarding direct, secondary, and cumulative environmental impacts of the implementation of the requirements of this section. In developing the report, the Commission shall consult with the Department of Environment and Natural Resources."

SECTION 2.14. G.S. 62-133.9(i) reads as rewritten:

"(i) The Commission shall submit to the Governor and to the Joint Legislative ~~Utility Review Committee~~ Commission on Governmental Operations a summary of the proceedings conducted pursuant to this section during the preceding two fiscal years on or before September 1 of odd-numbered years."

SECTION 2.15. G.S. 62-158(d) reads as rewritten:

"(d) The Commission, after hearing, may adopt rules to implement this section, including rules for the establishment of expansion funds, for the use of such funds, for the remittance to the expansion fund or to customers of supplier and transporter refunds and expansion surcharges or other funds that were sources of the expansion fund, and for appropriate accounting, reporting and ratemaking treatment. The Commission and Public Staff shall report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations on the operation of any expansion funds in conjunction with the reports required under G.S. 62-36A."

SECTION 2.16. G.S. 62-159(d) reads as rewritten:

"(d) The Commission, after hearing, shall adopt rules to implement this section as soon as practicable. The Commission and Public Staff shall report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations on the use of funding provided under this section in conjunction with the reports required under G.S. 62-36A."

SECTION 2.17. G.S. 62A-44(c) reads as rewritten:

"(c) Report. – In February of each odd-numbered year, the 911 Board must report to the Joint Legislative Commission on Governmental ~~Operations,~~Operations and the Revenue Laws Study ~~Committee, and the Joint Legislative Utility Review~~ Committee. The report must contain complete information regarding receipts and expenditures of all funds received by the 911 Board during the period covered by the report, the status of the 911 system in North Carolina at the time of the report, and the results of any investigations by the Board of PSAPs that have been completed during the period covered by the report."

SECTION 2.18. G.S. 62A-46(a)(2) reads as rewritten:

"(2) Reports. – The Board must report to the Joint Legislative Commission on Governmental ~~Operations,~~Operations and the Revenue Laws Study ~~Committee, and the Joint Legislative Utility Review~~ Committee within 45 days of a change in the funding formula. The report must contain a description of the differences in the old and new formulas and the projected distributions to each PSAP from the new formula."

SECTION 2.19. G.S. 93B-2(a) reads as rewritten:

"(a) No later than October 31 of each year, each occupational licensing board shall file with the Secretary of State, the Attorney General, and the Joint ~~Legislative Administrative Procedure Oversight~~ Regulatory Reform Committee an annual report containing all of the following information:

(1) The address of the board, and the names of its members and officers.
(2) The number of persons who applied to the board for examination.
(3) The number who were refused examination.
(4) The number who took the examination.
(5) The number to whom initial licenses were issued.

(6) The number who applied for license by reciprocity or comity.
(7) The number who were granted licenses by reciprocity or comity.
(7a) The number of official complaints received involving licensed and unlicensed activities.
(7b) The number of disciplinary actions taken against licensees, or other actions taken against nonlicensees, including injunctive relief.
(8) The number of licenses suspended or revoked.
(9) The number of licenses terminated for any reason other than failure to pay the required renewal fee.
(10) The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the occupational licensing board.
(11) The substance of any anticipated change in rules adopted by the occupational licensing board or the substance of any anticipated adoption of new rules by the occupational licensing board."

SECTION 2.20. G.S. 93B-2(b) reads as rewritten:

"(b) No later than October 31 of each year, each occupational licensing board shall file with the Secretary of State, the Attorney General, the Office of State Budget and Management, and the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee a financial report that includes the source and amount of all funds credited to the occupational licensing board and the purpose and amount of all funds disbursed by the occupational licensing board during the previous fiscal year."

SECTION 2.21. G.S. 95-25.23C(c) reads as rewritten:

"(c) Report. – No later than February 1 of each year, the Commissioner shall submit a written report to the General Assembly, the ~~Legislative Study Commission on Children and Youth,~~Joint Legislative Education Oversight Committee, and the Fiscal Research Division of the General Assembly on the Department of Labor's investigative, inspection, and enforcement activities under the Wage and Hour Act pertaining to youth employment. Each report submitted pursuant to this subsection shall contain data and information about the calendar year preceding the date on which the last written report was submitted. The report shall include at least all of the following:

(1) All activities the Department of Labor has sponsored or participated in for the purpose of educating employers about their responsibilities under the Wage and Hour Act.
(2) The total number of complaints received by the Department of Labor alleging youth employment violations under the Wage and Hour Act, or any regulations issued under the Wage and Hour Act, or both.
(3) The specific types of youth employment violations alleged and the ages of the youths referenced in the complaints received by the Department of Labor.
(4) The total number of investigations conducted by the Department of Labor concerning alleged youth employment violations, the length of the investigations, and the number of investigators assigned to conduct the investigations. For purposes of this subdivision, the Commissioner shall provide a separate analysis of (i) investigations initiated by the Department in response to a complaint, (ii) investigations initiated by the Department in the absence of a complaint, and (iii) alleged record-keeping violations pertaining to youth employment.
(5) The total number of administrative proceedings involving youth employment violations.

(6) The total number and identity of employers cited for youth employment violations and the industries or occupations that received the greatest and the least number of complaints alleging youth employment violations.

(7) The total number and dollar amount of civil penalties assessed pursuant to G.S. 95-25.23 and the total number and dollar amount of civil penalties actually collected pursuant to that section. For purposes of this subdivision, the Commissioner shall provide a detailed, itemized list of each civil penalty represented in the total number and dollar amounts reported pursuant to this subdivision and indicate whether each civil penalty is the result of a complaint.

(8) The total number and dollar amount of civil penalties assessed pursuant to G.S. 95-25.23A and the total number and dollar amount of civil penalties actually collected pursuant to that section. For purposes of this subdivision, the Commissioner shall provide a detailed, itemized list of each civil penalty represented in the total number and dollar amounts reported pursuant to this subdivision and indicate whether each civil penalty is the result of a complaint.

(9) An explanation of any obstacles that prevented the Department of Labor from enforcing any provision of the Wage and Hour Act as it pertains to youth employment, any recommended changes to the Wage and Hour Act to strengthen the Department of Labor's oversight and enforcement of youth employment laws and regulations in this State, and any other information related to the Department of Labor's enhanced enforcement of the State's youth employment laws and regulations.

(10) Recommendations about the funding needed by the Department to (i) eliminate any identified obstacles to enforcement of youth employment laws and regulations and (ii) effectively implement any recommended changes."

SECTION 2.22. G.S. 108A-55(c) reads as rewritten:

"(c) The Department shall reimburse providers of services, equipment, or supplies under the Medical Assistance Program in the following amounts:

(1) The amount approved by the Health Care Financing Administration of the United States Department of Health and Human Services, if that Administration approves an exact reimbursement amount;

(2) The amount determined by application of a method approved by the Health Care Financing Administration of the United States Department of Health and Human Services, if that Administration approves the method by which a reimbursement amount is determined, and not the exact amount.

The Department shall establish the methods by which reimbursement amounts are determined in accordance with Chapter 150B of the General Statutes. A change in a reimbursement amount becomes effective as of the date for which the change is approved by the Health Care Financing Administration of the United States Department of Health and Human Services. The Department shall report to the Fiscal Research Division of the Legislative Services Office and to the Senate Appropriations Committee on Human Resources and the House of Representatives Appropriations Subcommittee on Human Resources or the Joint Legislative ~~Commission on Health Care~~ Oversight Committee on Health and Human Services on any change in a reimbursement amount at the same time as it sends out public notice of this change prior to presentation to the Health Care Financing Administration."

SECTION 2.23. G.S. 108A-70.25 reads as rewritten:

"**§ 108A-70.25. State Plan for Health Insurance Program for Children.**

The Department shall develop and submit a State Plan to implement "The Health Insurance Program for Children" authorized under this Part to the federal government as application for

federal funds under Title XXI. The State Plan submitted under this Part shall be developed by the Department only as authorized by and in accordance with this Part. No provision in the State Plan submitted under this Part may expand or otherwise alter the scope or purpose of the Program from that authorized under this Part. The Department shall include in the State Plan submitted only those items required by this Part and required by the federal government to qualify for federal funds under Title XXI and necessary to secure the State's federal fund allotment for the applicable fiscal period. Except as otherwise provided in this section, the Department shall not amend the State Plan nor submit any amendments thereto to the federal government for review or approval without the specific approval of the General Assembly. In the event federal law requires that an amendment be made to the State Plan and further requires that the amendment be submitted or implemented within a time period when the General Assembly is not and will not be in session to approve the amendment, then the Department may submit the amendment to the federal government for review and approval without the approval of the General Assembly. Prior to submitting an amendment to the federal government without General Assembly approval as authorized in this section, the Department shall report the proposed amendment to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services and to members of the Joint Appropriations Subcommittee on Health and Human Services. The report shall include an explanation of the amendment, the necessity therefor, and the federal time limits required for implementation of the amendment."

SECTION 2.24. G.S. 108A-70.27(b) reads as rewritten:

"(b) The Department shall report annually to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services and shall provide a copy of the report to the Joint Appropriations Subcommittees on Health and Human Services. The report shall include:

(1) Data collected as required under subsection (a) of this section and an analysis thereof giving trends and projections for continued Program funding;

(2) Program areas working most effectively and least effectively;

(3) Performance measures used to ensure Program quality, fiscal integrity, ease of access, and appropriate utilization of preventive and medical care;

(4) Effectiveness of system linkages in addressing access, quality of care, and Program efficiency;

(5) Recommended changes in the Program necessary to improve Program efficiency and effectiveness;

(6) Any other information requested by the Committee pertinent to the provision of health insurance for children and the implementation of the Program."

SECTION 2.25. G.S. 108A-70.27(c) reads as rewritten:

"(c) The Executive Administrator and Board of Trustees of the North Carolina Teachers' and State Employees' Major Medical Plan ("Plan") shall provide to the Department data required under this section that are collected by the Plan. Data shall be reported by the Plan in sufficient detail to meet federal reporting requirements under Title XXI. The Plan shall report periodically to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services claims processing data for the Program and any other information the Plan or the Committee deems appropriate and relevant to assist the Committee in its review of the Program."

SECTION 2.26. G.S. 113-175.6 reads as rewritten:

"**§ 113-175.6. Report.**

The Chair of the Marine Fisheries Commission and the Chair of the Wildlife Resources Commission shall jointly submit to the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations by October 1 of each year a report on the Marine Resources Fund and the Endowment Fund that shall include the source and amounts of all

moneys credited to each fund and the purpose and amount of all disbursements from each fund during the prior fiscal year."

SECTION 2.27. G.S. 113-182.1(c1) reads as rewritten:

"(c1) The Department shall consult with the regional advisory committees established pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan. Before submission of a plan for review by the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations, the Department shall review any comment or recommendation regarding the plan that a regional advisory committee submits to the Department within the time limits established in the Schedule for the development and adoption of Fishery Management Plans established by G.S. 143B-289.52. Before the Commission adopts a management measure to implement a plan, the Commission shall review any comment or recommendation regarding the management measure that a regional advisory committee submits to the Commission."

SECTION 2.28. G.S. 113-182.1(e) reads as rewritten:

"(e) The Secretary of Environment and Natural Resources shall monitor progress in the development and adoption of Fishery Management Plans in relation to the Schedule for development and adoption of the plans established by the Marine Fisheries Commission. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations on progress in developing and implementing the Fishery Management Plans on or before 1 September of each year. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture within 30 days of the completion or substantial revision of each proposed Fishery Management Plan. The Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations shall review each proposed Fishery Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary. The Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations may submit comments and recommendations on the proposed Plan to the Secretary within 30 days of the date the proposed Plan is submitted by the Secretary."

SECTION 2.29. G.S. 113-200(i) reads as rewritten:

"(i) Report on Grant Program. – The Sea Grant College Program shall report on the Fishery Resource Grant Program to the Marine Fisheries Commission and the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations no later than January 1 of each year."

SECTION 2.30. G.S. 120-70.33(8) reads as rewritten:

"(8) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, or the Environmental Review Commission, ~~or the Joint Legislative Utility Review Committee,~~ and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate."

SECTION 2.31. G.S. 120-70.43(a)(7) reads as rewritten:

"(7) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, or the Joint Legislative Commission on Governmental ~~Operations, the Joint Legislative Utility Review Committee, or the Joint Select Committee on Low-Level Radioactive Waste~~Operations and to make such reports and recommendations to the General Assembly regarding such studies as it

deems appropriate; provided that the Environmental Review Commission shall not undertake any study which the General Assembly has assigned to another legislative commission or committee."

SECTION 2.32. G.S. 120-163 reads as rewritten:

"**§ 120-163. Petition.**

(a) The process of seeking the recommendation of the ~~Commission~~ Municipal Incorporations Subcommittee is commenced by filing with the ~~Commission~~ Municipal Incorporations Subcommittee a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

...

(d) The petitioners must present to the ~~Commission~~ Municipal Incorporations Subcommittee the verified petition from the county board of elections.

(e) A petition must be submitted to the ~~Commission~~ Municipal Incorporations Subcommittee at least 60 days prior to convening of the next regular session of the General Assembly in order for the ~~Commission~~ Municipal Incorporations Subcommittee to make a recommendation to that session."

SECTION 2.33. G.S. 120-164 reads as rewritten:

"**§ 120-164. Notification.**

(a) Not later than five days before submitting the petition to the ~~Commission,~~Municipal Incorporations Subcommittee, the petitioners shall notify:

(1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;

(2) All cities within that county or counties; and

(3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the ~~Commission.~~Municipal Incorporations Subcommittee.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the ~~Commission,~~ Municipal Incorporations Subcommittee notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the ~~Commission.~~Municipal Incorporations Subcommittee."

SECTION 2.34. G.S. 120-165 reads as rewritten:

"**§ 120-165. Initial inquiry.**

(a) The ~~Commission~~ Municipal Incorporations Subcommittee shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The ~~Commission~~ Municipal Incorporations Subcommittee shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part."

SECTION 2.35. G.S. 120-166 reads as rewritten:

"**§ 120-166. Additional criteria; nearness to another municipality.**

(a) The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated

since the return of that census. For purposes of this section, "municipality" means a city as defined by G.S. 160A-1(2) or a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

(1) The proposed municipality is entirely on an island that the nearby city is not on;

(2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the ~~Commission~~ Municipal Incorporations Subcommittee shall adopt policies to implement this subdivision;

(3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or

(4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the ~~Commission~~ Municipal Incorporations Subcommittee but the annexation petition was not approved."

SECTION 2.36. G.S. 120-168 reads as rewritten:

"**§ 120-168. Additional criteria; development.**

The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants."

SECTION 2.37. G.S. 120-169 reads as rewritten:

"**§ 120-169. Additional criteria; area unincorporated.**

The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1), or if any of the proposed municipality is included within the boundary of a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes."

SECTION 2.38. G.S. 120-169.1 reads as rewritten:

"**§ 120-169.1. Additional criteria; level of development, services; financial impact on other local governments.**

(a) Repealed by Session Laws 1999-458, s. 4.

(b) Services. – The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. This plan shall be based on the proposed services stated in the petition under G.S. 120-163(c).

(c) The ~~Commission~~ Municipal Incorporations Subcommittee in its report shall indicate the impact on other municipalities and counties of diversion of already levied local taxes or State-shared revenues from existing local governments to support services in the proposed municipality."

SECTION 2.39. G.S. 120-221(c) reads as rewritten:

"(c) The Task Force shall report at least annually to the Commission or more frequently at the request of the cochairs of the Commission, and shall also report on April 1 of each year to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, the Joint

Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services, and the Fiscal Research Division."

SECTION 2.40. G.S. 122C-5 reads as rewritten:

"**§ 122C-5. Report on restraint and seclusion.**

The Secretary shall report annually on October 1 to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services on the following for the immediately preceding fiscal year:

(1) The level of compliance of each facility with applicable State and federal laws, rules, and regulations governing the use of restraints and seclusion. The information shall indicate areas of highest and lowest levels of compliance.

(2) The total number of facilities that reported deaths under G.S. 122C-31, the number of deaths reported by each facility, the number of deaths investigated pursuant to G.S. 122C-31, and the number found by the investigation to be related to the use of restraint or seclusion."

SECTION 2.41. G.S. 122C-13(11) reads as rewritten:

"(11) Submit a report annually to the Secretary, the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services, and the Joint Legislative Health Care Oversight Committee containing data and findings regarding the types of problems experienced and complaints reported by or on behalf of providers, consumers, and employees of providers, as well as recommendations to resolve identified issues and to improve the administration of MH/DD/SA facilities and the delivery of MH/DD/SA services throughout the State."

SECTION 2.42. G.S. 122C-102(c) reads as rewritten:

"(c) State Performance Measures. – The State Plan shall also include a mechanism for measuring the State's progress towards increased performance on the following matters: access to services, consumer-focused outcomes, individualized planning and supports, promotion of best practices, quality management systems, system efficiency and effectiveness, and prevention and early intervention. Beginning October 1, 2006, and every six months thereafter, the Secretary shall report to the General Assembly and the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services, on the State's progress in these performance areas."

SECTION 2.43. G.S. 122C-112.1(a)(30) reads as rewritten:

"(30) Prior to requesting approval to close a State facility under G.S. 122C-181(b):

a. Notify the Joint Legislative Commission on Governmental Operations, the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services, and members of the General Assembly who represent catchment areas affected by the closure; and

b. Present a plan for the closure to the members of the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Senate Appropriations Committee on Health and Human Services for their review, advice, and recommendations. The plan shall address specifically how patients will be cared for after closure, how support services to community-based agencies and outreach services will be continued, and the impact on remaining State facilities. In implementing the plan, the Secretary shall take into

consideration the comments and recommendations of the committees to which the plan is presented under this subdivision."

SECTION 2.44. G.S. 122C-112.1(a)(35) reads as rewritten:

"(35) Develop and adopt rules governing a statewide data system containing waiting list information obtained annually from each LME as required under G.S. 122C-115.4(b)(8). The rules adopted shall establish standardized criteria to be used by LMEs to ensure that the waiting list data are consistent across LMEs. The Department shall use data collected from LMEs under G.S. 122C-115.4(b)(8) for statewide planning and needs projections. The creation of the statewide waiting list data system does not create an entitlement to services for individuals on the waiting list. The Department shall report annually to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services its recommendations based on data obtained annually from each LME. The report shall indicate the services that are most needed throughout the State, plans to address unmet needs, and any cost projections for providing needed services."

SECTION 2.45. G.S. 122C-115.4(e) reads as rewritten:

"(e) Notwithstanding subsection (d) of this section, in the case of serious financial mismanagement or serious regulatory noncompliance, the Secretary may temporarily remove an LME function after consultation with the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services."

SECTION 2.46. G.S. 130A-40.1(b) reads as rewritten:

"(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. The Secretary of Health and Human Services shall report any approval under this section to the ~~Public Health Study Commission.~~Joint Legislative Oversight Committee on Health and Human Services."

SECTION 2.47. G.S. 131D-2.13(e) reads as rewritten:

"(e) Report on Use of Restraint. – The Department shall report annually on October 1 to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services the following for the immediately preceding fiscal year:

(1) The level of compliance of each adult care home with applicable State law and rules governing the use of physical restraint and physical hold of residents. The information shall indicate areas of highest and lowest levels of compliance.

(2) The total number of adult care homes that reported deaths under G.S. 131D-34.1, the number of deaths reported by each facility, the number of deaths investigated pursuant to G.S. 131D-34.1, and the number found by the investigation to be related to the adult care home's use of physical restraint or physical hold."

SECTION 2.48. G.S. 131D-10.6(10) reads as rewritten:

"(10) Report annually on October 1 to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services the level of facility compliance with applicable State law governing the use of restraint and time-out in residential child-care facilities. The report shall also include the total number of facilities that reported deaths under this section, the number of deaths reported by each facility, the number of deaths investigated pursuant to this section, and the number found by the investigation to be related to the use of physical restraint or time-out."

SECTION 2.49. G.S. 131E-314 reads as rewritten:

"**§ 131E-314. Division Reporting.**

The Division of Medical Assistance of the Department of Health and Human Services shall report quarterly to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and

Human Services on its regulatory activities in the enforcement of this ~~act~~ Article and shall provide the Committee with a summary of nonconfidential information on the financial plans and operations of PSOs. The report to the Committee shall include a description and explanation of any regulations or regulatory interpretations that differ from Department of Insurance regulations applicable to HMOs. The report shall also include PSO efforts to improve community health status. The Division shall develop processes or methods to measure improvements in health outcomes for Medicare beneficiaries served by managed care organizations and shall report quarterly to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services on the development of these standards."

SECTION 2.50. G.S. 143-318.14A(a) reads as rewritten:

"(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly:

(1) The Legislative Research Commission;
(2) The Legislative Services Commission;
(3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter;
~~(4) The Joint Legislative Utility Review Committee;~~
(5) The Joint Legislative Commission on Governmental Operations;
(6) The Joint Legislative Commission on ~~Municipal Incorporations;~~Local Government;
(7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
~~(8) The Joint Select Committee on Low-Level Radioactive Waste;~~
(9) The Environmental Review Commission;
(10) The Joint Legislative Transportation Oversight Committee;
(11) The Joint Legislative Education Oversight Committee;
~~(12) The Joint Legislative Commission on Future Strategies for North Carolina;~~
(13) The Commission on Children with Special Needs;
~~(14) The Legislative Committee on New Licensing Boards;~~
(15) The Agriculture and Forestry Awareness Study Commission; and
~~(16) The North Carolina Study Commission on Aging; and~~
(17) The standing Committees on Pensions and Retirement."

SECTION 2.51. G.S. 143B-273.8(b) reads as rewritten:

"(b) The Department of Correction shall report by February 1 of each year to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety on the status of the Criminal Justice Partnership Program. The report shall include the following information:".

SECTION 2.52. G.S. 143B-279.8(e) reads as rewritten:

"(e) The Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall report to the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations and the Environmental Review Commission on progress in developing and implementing the Coastal Habitat Protection Plans, including the extent to which the actions of the three commissions are consistent with the Plans, on or before 1 September of each year."

SECTION 2.53. G.S. 143B-279.8(f) reads as rewritten:

"(f) The Secretary of Environment and Natural Resources shall report to the Environmental Review Commission and the Joint Legislative Commission on Seafood and

Aquaculture within 30 days of the completion or substantial revision of each draft Coastal Habitat Protection Plan. The Environmental Review Commission and the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations shall concurrently review each draft Coastal Habitat Protection Plan within 30 days of the date the draft Plan is submitted by the Secretary. The Environmental Review Commission and the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations may submit comments and recommendations on the draft Plan to the Secretary within 30 days of the date the draft Plan is submitted by the Secretary."

SECTION 2.54. G.S. 147-16(b) reads as rewritten:

"(b) The Governor shall, unless otherwise requested by any person listed in subdivisions (1) through (4) of this subsection, provide notice of the commutation of any sentence within 20 days after the commutation by first-class mail to the following at the last known address:

(1) The victim or victims of the crime for which the sentence was imposed;

(2) The victims' spouse, children, and parents;

(3) Any other members of the victims' family who request in writing to be notified; and

(4) The Chairs of the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety."

SECTION 2.55. G.S. 147-86.35(a) reads as rewritten:

"(a) The chair of the Commission shall report each year by November 1 to the Joint Legislative Commission on Governmental Operations and to the chairs of the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services regarding implementation of this Article, including a report on funds disbursed during the fiscal year by amount, purpose, and category of recipient, and other information as requested by the Joint Legislative Commission on Governmental Operations. The annual report shall also include a summary of each recipient's annual report submitted to the Health and Wellness Trust Fund Commission pursuant to G.S. 147-86.31(b) and an analysis of progress toward the goals and objectives of any comprehensive, community-based plan established pursuant to G.S. 147-86.30(e)(3). A written copy of the annual report shall also be sent to the Legislative Library by November 1 each year. Written reports shall also be sent on a quarterly basis to the Joint Legislative Commission on Governmental Operations."

SECTION 2.56. G.S. 148-37(c) reads as rewritten:

"(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity or any private nonprofit or for-profit firms for the confinement and care of State prisoners in any out-of-state correctional facility when to do so would most economically and effectively promote the purposes served by the Department of Correction. Contracts entered into under the authority of this subsection shall be for a period not to exceed two years and shall be renewable from time to time for a period not to exceed two years. Prisoners may be sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection shall be approved by the Department of Administration before the contract is executed. Before expending more than the amount specifically appropriated by the General Assembly for the out-of-state housing of inmates, the Department shall obtain the approval of the Joint Legislative Commission on Governmental Operations and shall report such expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety."

SECTION 2.57. G.S. 148-37(g) reads as rewritten:

"(g) The Secretary of Correction may contract with private for-profit or nonprofit firms for the provision and operation of four or more confinement facilities totaling up to 2,000 beds in the State to house State prisoners when to do so would most economically and effectively promote the purposes served by the Department of Correction. This 2,000-bed limitation shall not apply to the 500 beds in private substance abuse treatment centers authorized by the General Assembly prior to July 1, 1995. Whenever the Department of Correction determines that new prison facilities are required in addition to existing and planned facilities, the Department may contract for any remaining beds authorized by this section before constructing State-operated facilities.

Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years. The Secretary of Correction shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly. Contracts entered under the authority of this subsection may be subject to any requirements for the location of the confinement facilities set forth by the General Assembly in appropriating those funds.

Once the Department has made a determination to contract for additional private prison beds, it shall issue a request for proposals within 30 days of the decision. The request for proposals shall require bids to be submitted within two months, and the Department shall award contracts at the earliest practicable date after the submission of bids. The Secretary of Correction, in consultation with the Chairs of the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection may provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. Contracts made under the authority of this subsection shall state that plans and specifications for private confinement facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State. All contracts for the housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of Correction may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by a private confinement facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure

the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction."

SECTION 2.58. G.S. 148-37(i) reads as rewritten:

"(i) The Department of Correction shall make a written report no later than March 1 of every odd-numbered year, beginning in 1997, on the substance of all outstanding contracts for the housing of State prisoners entered into under the authority of this section. The report shall be submitted to the Council of State, the Department of Administration, the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety. In addition to the report, the Department of Correction shall provide information on contracts for the housing of State prisoners as requested by these groups."

SECTION 2.59. G.S. 150B-21.11 reads as rewritten:

"**§ 150B-21.11. Procedure when Commission approves permanent rule.**

When the Commission approves a permanent rule, it must notify the agency that adopted the rule of the Commission's approval, deliver the approved rule to the Codifier of Rules, and include the text of the approved rule and a summary of the rule in its next report to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee.

If the approved rule will increase or decrease expenditures or revenues of a unit of local government, the Commission must also notify the Governor of the Commission's approval of the rule and deliver a copy of the approved rule to the Governor by the end of the month in which the Commission approved the rule."

SECTION 2.60. G.S. 150B-21.12(d) reads as rewritten:

"(d) Return of Rule. – A rule to which the Commission has objected remains under review by the Commission until the agency that adopted the rule decides not to satisfy the Commission's objection and makes a written request to the Commission to return the rule to the agency. When the Commission returns a rule to which it has objected, it must notify the Codifier of Rules of its action and must send a copy of the record of the Commission's review of the rule to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee in its next report to that Committee. If the rule that is returned would have increased or decreased expenditures or revenues of a unit of local government, the Commission must also notify the Governor of its action and must send a copy of the record of the Commission's review of the rule to the Governor. The record of review consists of the rule, the Commission's letter of objection to the rule, the agency's written response to the Commission's letter, and any other relevant documents before the Commission when it decided to object to the rule."

SECTION 2.61. G.S. 150B-21.16 reads as rewritten:

"**§ 150B-21.16. Report to Joint ~~Legislative Administrative Procedure Oversight Committee.~~Regulatory Reform Committee.**

The Commission must make monthly reports to the Joint ~~Legislative Administrative Procedure Oversight~~ Regulatory Reform Committee. The reports are due by the last day of the month. A report must include the rules approved by the Commission at its meeting held in the month in which the report is due and the rules the Commission returned to agencies during that month after the Commission objected to the rule. A report must include any other information requested by the Joint Legislative Administrative Procedure Oversight Committee. When the Commission sends a report to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee, the Commission must send a copy of the report to the Codifier of Rules."

SECTION 2.62. G.S. 159B-30.1 reads as rewritten:

"**§ 159B-30.1. Additional reports.**

Beginning March 1, 1996, and annually thereafter, each joint agency operating under the authority of Chapter 159B of the General Statutes shall file a report with the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations describing the activities of

the joint agency carried out pursuant to the authority granted by G.S. 159B-2, 159B-11(19b), 159B-12 and 159B-17(c). The report shall cover the preceding calendar year. Each joint agency shall file such additional reports as the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations shall request."

PART III. EFFECTIVE DATE

SECTION 3. Unless otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH50243-MH-49 (03/16)

Short Title:	Study Chicken House Fire Codes.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO CREATE THE COMMERCIAL POULTRY HOUSE FIRE CODE LEGISLATIVE STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Commission Created. – There is created the Commercial Poultry House Fire Code Legislative Study Commission ("Commission"). The Commission shall consist of 12 voting members appointed as follows:

(1) Four members appointed by the Governor, to include:
  a. One person who is a farmer engaged in the production of chickens.
  b. One person who is a representative of the State Building Codes Council.
  c. Two members of the general public.

(2) Four members appointed by the President Pro Tempore of the Senate, to include:
  a. Three members of the Senate.
  b. One member of the general public.

(3) Four members appointed by the Speaker of the House of Representatives, to include:
  a. Three members of the House of Representatives.
  b. One member of the general public.

SECTION 2.(a) Purposes. – The Commission shall do the following:

(1) Study the applicability, feasibility, and cost-effectiveness of current requirements for fire ratings, inspections, and fire flow under both the North Carolina Fire Code and under guidelines of the Insurance Services Office. For purposes of this section "North Carolina Fire Code" means the 2006 International Fire Code with 2009 North Carolina Amendments adopted by the State Building Code Council.

(2) Study any other matters that the Commission deems relevant.

(3) Make an interim report to the General Assembly by the convening of the 2012 Regular Session of the 2011 General Assembly.

(4) Make a final report to the 2013 General Assembly that includes findings, recommendations, and legislative proposals relating to fire codes for commercial poultry houses.

SECTION 2.(b) Termination. – The Commission shall terminate upon filing its final report.

SECTION 2.(c) Committee Operations. – The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint a cochair for the Commission. The Commission may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives and the Senate Directors of Legislative Assistants. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. Members of the Commission shall receive per diem, subsistence, and travel allowances at the rate established in G.S. 120-3.1. The appointing authority shall fill vacancies. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses.

SECTION 3. Appropriation. – There is appropriated from the General Fund to the General Assembly the sum of twenty-five thousand dollars ($25,000) for the 2011-2012 fiscal year and the sum of twenty-five thousand dollars ($25,000) for the 2012-2013 fiscal year to fund the work of the Commercial Poultry House Fire Code Legislative Study Commission created by this act.

SECTION 4. Effective Date. – This act becomes effective July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION DRHJR50265-LH-26 (12/01)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE OBSTACLES ENCOUNTERED IN SEEKING EMPLOYMENT BY PERSONS WHO HAVE COMMITTED RELATIVELY MINOR CRIMINAL OFFENSES, THE NEED FOR EMPLOYERS TO HAVE ACCURATE CRIMINAL INFORMATION ABOUT POTENTIAL EMPLOYEES, AND THE FEASIBILITY OF DEVELOPING AND IMPLEMENTING AN EXPUNCTION PROCEDURE THAT STRIKES THE APPROPRIATE BALANCE BETWEEN THOSE CONCERNS.

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

SECTION 1. The Legislative Research Commission may study whether current law strikes an appropriate balance between an employer's need for access to accurate criminal history information about potential employees and the need for a person who committed a relatively minor offense in the distant past to obtain employment in spite of the person's criminal history. If the Legislative Research Commission finds that it may be possible to achieve a better balance between these interests, then the Legislative Research Commission may further consider what type of expunction procedure may be developed and implemented that addresses the interests and concerns of employers, but also affords some appropriate relief to persons with a relatively minor past criminal conviction. In its study, the Commission may consider all of the following:

(1) The effect of a person's criminal record with regard to a person's ability to obtain employment.

(2) The reasons that an employer may need to know about a potential employee's criminal record.

(3) What types of criminal records may or may not be relevant with regard to certain types of employment.

(4) What criminal offenses, if any, it may be reasonable to allow to be expunged from a person's record, the time period or other criteria that should be used to determine whether it is appropriate to allow the expunction, and whether the offense should be completely erased from the criminal record so that the person has no criminal record, or retained but limit the accessibility of the record only for certain purposes.

(5) Any other issues the Commission considers relevant to this topic.

SECTION 2. The Legislative Research Commission may make an interim report to the 2011 General Assembly when it reconvenes in 2012 and shall make its final report to the 2013 General Assembly.

SECTION 3. This resolution is effective upon ratification.



HOUSE BILL 595:
Reorganization/Legislative Oversight Comns

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	April 6, 2011
Introduced by:	Reps. Barnhart, Burr	**Prepared by:**	Kelly Quick
Analysis of:	First Edition		Committee Staff

SUMMARY: ***House Bill 595 changes the structure of certain legislative committees and commissions, transfers the duties of certain committees and commissions to other committees and commissions, changes the composition of various legislative committees and commissions, and makes conforming changes.***

CURRENT LAW:

BILL ANALYSIS: House Bill 595 would make the following changes to certain legislative committees and commissions:

Legislative Services Commission

Section 1.1(a) 1) authorizes the Senate President Pro Tempore to appoint another Senator as his designee on the Commission; 2) reduces Senate members from seven to four; 3) authorizes the Speaker of the House of Representatives to appoint another Representative to serve as his designee on the Commission; 4) reduces House members from seven to four; and 5) provides that in any case where the Legislative Services Commission is required to obtain approval of an action, approval by the President Pro Tempore of the Senate and by the Speaker of the House of Representatives constitutes approval of the Commission.

Joint Legislative Commission on Governmental Operations

Section 1.2(a) transfers the duties of the following committees and commissions to the Joint Legislative Commission on Governmental Operations:

- Joint Legislative Oversight Committee on Capital Improvements
- Joint Legislative Commission on Future Strategies for North Carolina
- Joint Select Committee on Low Level Radioactive Waste
- Legislative Committee on New Licensing Boards
- Joint Legislative Commission on Seafood and Aquaculture
- Joint Legislative Utility Review Commission

Section 1.2(d) repeals the portions of the statutes related to the above committees and commissions.

Section 1.2(c) increases the number of members from 38 to 42 by 1) increasing the number of House members from 16 to 21 and providing that at least five of those Representatives must be members of the minority party; and 2) increasing the number of Senate members from 16 to 21 and providing that at least five of those Senators must be members of the minority party.

Section 1.2(d) amends the powers and duties of the Commission to include 1) examining capital improvements undertaken for State facilities and institutions and having oversight over implementation of the six-year capital improvements plan; 2) establishing a subcommittee to evaluate the need for any new licensing board and assuring that no new licensing boards are met unless the specified criteria are

met; 3) evaluating the North Carolina Utilities Commission; 4) making reports and recommendations to the General Assembly on matters relating to the Commission's powers and duties; 5) reviewing and evaluating changes in federal law and regulation, case law, and technology that affect duties of the Commission; and 6) determining whether the State's laws require modification as a result of any changes in federal law, case law, or technology.

Section 1.2(e) provides headings for the subsections found within G.S. 120-76.1: Prior consultation with the Commission, and adds "reporting requirements" to the statute's title. It does not change any text within the statute.

Joint Regulatory Reform Committee

Section 1.3(a) transfers the duties of the Joint Legislative Administrative Procedures Oversight Committee to the Joint Regulatory Reform Committee.

Section 1.3(b) repeals the statutes pertaining to the Joint Legislative Administrative Procedures Oversight Committee.

Section 1.3(c) amends the powers and duties of the Committee to include 1) reviewing rules objected to by the Rules Review Commission to determine if statutory changes are needed; 2) Receiving reports prepared by the Rules Review Commission containing the text and summary of each approved rule; 3) Reviewing the activities of State occupational licensing boards to determine if the boards are operating in accordance with statutory requirements and if the boards are still necessary to achieve their established purpose; and 4) reviewing State regulatory programs to determine if the programs overlap, have conflicting goals, or could be simplified.

Joint Legislative Oversight Committee on Justice and Public Safety

Section 1.4(a) transfers the duties of the Joint Legislative Committee on Domestic Violence to the Joint Legislative Oversight Committee on Justice and Public Safety.

Section 1.4(b) repeals the portion of the statutes pertaining to the Joint Legislative Committee on Domestic Violence.

Section 1.4(c) renames the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee to the Oversight Committee on Justice and Public Safety. This section also 1) increases the members from 16 to 22; 2) increases the number of Senators from 8 to 11; 3) increases the number of Senators from the minority party from 2 to 3; 4) increases the number of Representatives from 8 to 11; 5) increases the number of Representatives from the minority party from 2 to 3.

This Section also amends the Committee's powers to include studying and evaluating aspects of domestic violence, including programs, funding, and legal services.

Joint Legislative Education Oversight Committee

Section 1.5(a) transfers the duties of the Legislative Study Commission on Children and Youth to the Joint Legislative Education Oversight Committee.

Section 1.5(b) repeals the portion of the statutes pertaining to the Legislative Study Commission on Children and Youth.

Section 1.5(c) increases the number of Senators who are members of the minority party from 2 to 3.

Section 1.5(d) amends the powers of the committee to permit rather than require the study of issues in subsections 1 through 7. This section also adds to the powers of the committee the study of children and youth, problems of juveniles who are beyond the disciplinary control of their parents, and strategies for the development and funding of a comprehensive statewide database relating to children and youth.

Joint Legislative Oversight Committee on Health and Human Services

Section 1.6(a) transfers the duties of the following commissions and committees to the Joint Legislative Oversight Committee on Health and Human Services:

- North Carolina Study Commission on Aging
- Joint Legislative Health Care Oversight Committee
- Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services
- Public Health Study Commission

Section 1.6(b) repeals the portions of Chapter 120 of the General Statutes that pertain to the above commissions and committees.

Section 1.6 (c) establishes the Joint Legislative Oversight Committee on Health and Human Services by adding Article 23A to Chapter 120 of the General Statutes. The Committee would consist of 22 members—11 from each chamber, at least 3 of whom are members of the minority party. The Committee is tasked with examining the development, budgeting, financing, administration, and delivery of health and human services.

Joint Legislative Transportation Oversight Committee

Section 1.7(a) assigns the duties of the Future of the North Carolina Railroad Study Commission to the Joint Legislative Transportation Oversight Committee.

Section 1.7(b) repeals the statutes pertaining to the Future of the North Carolina Railroad Study Commission.

Section 1.7(c) increases the number of Committee members from 18 to 22—11 from each chamber, and at least 3 of whom are members of the minority party.

Section 1.7(d) amends the powers of the Committee to include the study of railroad-related issues.

Joint Legislative Committee on Local Government

Section 1.8(a) makes the following changes:

- Renames the Joint Legislative Commission on Municipal Incorporations to the Joint Legislative Committee on Local Government.
    - Provides for 14 total members—7 from each chamber, and at least 1 from each chamber must be a former city or county commissioner, city or county manager, or other city or county elected official.
    - Establishes that the purpose of the Committee is to review and monitor local government capital projects that are required to go before the Local Government Commission and require debt to be issued over $1,000,000, with the exception of school, jails, courthouses, and administrative buildings.
- Creates the Municipal Incorporations Subcommittee.
    - Provides for 6 total members—3 from each member, and at least 1 member from each chamber must be a former city or county commissioner, city or county manager, or other city or county elected official.

Joint Legislative Economic Development Oversight Committee

Section 1.10(a) increases the number of members from 12 to 22—11 from each chamber, and at least 3 must be members of the minority party.

Section 1.10(b) amends the duties of the Committee to require that it request a Department of Commerce report on the effectiveness of various economic development programs.

Environmental Review Commission

Section 1.13(d) amends the quorum required for a meeting of the Environmental Review Commission from nine to seven members.

Part 2- Conforming Changes

Part 2 of the bill, Sections 2.1 through 2.62 make conforming changes.

EFFECTIVE DATE: Unless otherwise provided, this act is effective when it becomes law.

H595-SMTH-14(e1) v1

HOUSE SIMPLE RESOLUTION 186: Select Committee Investigate CTS

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	April 6, 2011
Introduced by:	Rep. Moffitt	**Prepared by:**	Kelly Quick
Analysis of:	First Edition		Committee Staff

SUMMARY: ***House Resolution 186 would create a House Select Committee to Investigate the Handling of the CTS Contamination Site in Buncombe County by the Department of Environment and Natural Resources.***

BILL ANALYSIS: HR 186 establishes the House Select Committee to Investigate the Handling of the CTS Contamination Site. The committee is charged with examining the Department of Environment and Natural Resources' handling of the CTS contamination site and other related issues.

Committees of investigation are governed by Article 5, Chapter 120, which provides that committees of investigation have the full power to compel documents and persons to come before the committee, compel attendance, administer oaths, compensate the travel cost for witnesses, and compel state officers to furnish data and information. Article 5A of Chapter 120 provides for hearing procedures, subpoena authority, the examination of witnesses, and other powers given to legislative committees.

EFFECTIVE DATE: This resolution is effective upon adoption.

BACKGROUND: The CTS site is located along Mills Gap Road in Skyland, North Carolina. The site was formerly owned by the CTS Corporation, which manufactured electronic parts there from 1959 to 1985. High levels of the chemical trichloroethylene (TCE), a degreasing agent, have been found in samples of groundwater, spring water, soil, and ambient air near springs in the immediate area of the facility.

H186-SMTH-13(e1) v2

HOUSE BILL 595:
Reorganization/Legislative Oversight Comns

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	April 6, 2011
Introduced by:	Reps. Barnhart, Burr	**Prepared by:**	Kelly Quick
Analysis of:	First Edition		Committee Staff

SUMMARY: ***House Bill 595 changes the structure of certain legislative committees and commissions, transfers the duties of certain committees and commissions to other committees and commissions, changes the composition of various legislative committees and commissions, and makes conforming changes.***

CURRENT LAW:

BILL ANALYSIS: House Bill 595 would make the following changes to certain legislative committees and commissions:

Legislative Services Commission

Section 1.1(a) 1) authorizes the Senate President Pro Tempore to appoint another Senator as his designee on the Commission; 2) reduces Senate members from seven to four; 3) authorizes the Speaker of the House of Representatives to appoint another Representative to serve as his designee on the Commission; 4) reduces House members from seven to four; and 5) provides that in any case where the Legislative Services Commission is required to obtain approval of an action, approval by the President Pro Tempore of the Senate and by the Speaker of the House of Representatives constitutes approval of the Commission.

Joint Legislative Commission on Governmental Operations

Section 1.2(a) transfers the duties of the following committees and commissions to the Joint Legislative Commission on Governmental Operations:

- Joint Legislative Oversight Committee on Capital Improvements
- Joint Legislative Commission on Future Strategies for North Carolina
- Joint Select Committee on Low Level Radioactive Waste
- Legislative Committee on New Licensing Boards
- Joint Legislative Commission on Seafood and Aquaculture
- Joint Legislative Utility Review Commission

Section 1.2(d) repeals the portions of the statutes related to the above committees and commissions.

Section 1.2(c) increases the number of members from 38 to 42 by 1) increasing the number of House members from 16 to 21 and providing that at least five of those Representatives must be members of the minority party; and 2) increasing the number of Senate members from 16 to 21 and providing that at least five of those Senators must be members of the minority party.

Section 1.2(d) amends the powers and duties of the Commission to include 1) examining capital improvements undertaken for State facilities and institutions and having oversight over implementation of the six-year capital improvements plan; 2) establishing a subcommittee to evaluate the need for any new licensing board and assuring that no new licensing boards are met unless the specified criteria are

met; 3) evaluating the North Carolina Utilities Commission; 4) making reports and recommendations to the General Assembly on matters relating to the Commission's powers and duties; 5) reviewing and evaluating changes in federal law and regulation, case law, and technology that affect duties of the Commission; and 6) determining whether the State's laws require modification as a result of any changes in federal law, case law, or technology.

Section 1.2(e) provides headings for the subsections found within G.S. 120-76.1: Prior consultation with the Commission, and adds "reporting requirements" to the statute's title. It does not change any text within the statute.

Joint Regulatory Reform Committee

Section 1.3(a) transfers the duties of the Joint Legislative Administrative Procedures Oversight Committee to the Joint Regulatory Reform Committee.

Section 1.3(b) repeals the statutes pertaining to the Joint Legislative Administrative Procedures Oversight Committee.

Section 1.3(c) amends the powers and duties of the Committee to include 1) reviewing rules objected to by the Rules Review Commission to determine if statutory changes are needed; 2) Receiving reports prepared by the Rules Review Commission containing the text and summary of each approved rule; 3) Reviewing the activities of State occupational licensing boards to determine if the boards are operating in accordance with statutory requirements and if the boards are still necessary to achieve their established purpose; and 4) reviewing State regulatory programs to determine if the programs overlap, have conflicting goals, or could be simplified.

Joint Legislative Oversight Committee on Justice and Public Safety

Section 1.4(a) transfers the duties of the Joint Legislative Committee on Domestic Violence to the Joint Legislative Oversight Committee on Justice and Public Safety.

Section 1.4(b) repeals the portion of the statutes pertaining to the Joint Legislative Committee on Domestic Violence.

Section 1.4(c) renames the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee to the Oversight Committee on Justice and Public Safety. This section also 1) increases the members from 16 to 22; 2) increases the number of Senators from 8 to 11; 3) increases the number of Senators from the minority party from 2 to 3; 4) increases the number of Representatives from 8 to 11; 5) increases the number of Representatives from the minority party from 2 to 3.

This Section also amends the Committee's powers to include studying and evaluating aspects of domestic violence, including programs, funding, and legal services.

Joint Legislative Education Oversight Committee

Section 1.5(a) transfers the duties of the Legislative Study Commission on Children and Youth to the Joint Legislative Education Oversight Committee.

Section 1.5(b) repeals the portion of the statutes pertaining to the Legislative Study Commission on Children and Youth.

Section 1.5(c) increases the number of Senators who are members of the minority party from 2 to 3.

Section 1.5(d) amends the powers of the committee to permit rather than require the study of issues in subsections 1 through 7. This section also adds to the powers of the committee the study of children and youth, problems of juveniles who are beyond the disciplinary control of their parents, and strategies for the development and funding of a comprehensive statewide database relating to children and youth.

Joint Legislative Oversight Committee on Health and Human Services

Section 1.6(a) transfers the duties of the following commissions and committees to the Joint Legislative Oversight Committee on Health and Human Services:

- North Carolina Study Commission on Aging
- Joint Legislative Health Care Oversight Committee
- Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services
- Public Health Study Commission

Section 1.6(b) repeals the portions of Chapter 120 of the General Statutes that pertain to the above commissions and committees.

Section 1.6 (c) establishes the Joint Legislative Oversight Committee on Health and Human Services by adding Article 23A to Chapter 120 of the General Statutes. The Committee would consist of 22 members—11 from each chamber, at least 3 of whom are members of the minority party. The Committee is tasked with examining the development, budgeting, financing, administration, and delivery of health and human services.

Joint Legislative Transportation Oversight Committee

Section 1.7(a) assigns the duties of the Future of the North Carolina Railroad Study Commission to the Joint Legislative Transportation Oversight Committee.

Section 1.7(b) repeals the statutes pertaining to the Future of the North Carolina Railroad Study Commission.

Section 1.7(c) increases the number of Committee members from 18 to 22—11 from each chamber, and at least 3 of whom are members of the minority party.

Section 1.7(d) amends the powers of the Committee to include the study of railroad-related issues.

Joint Legislative Committee on Local Government

Section 1.8(a) makes the following changes:

- Renames the Joint Legislative Commission on Municipal Incorporations to the Joint Legislative Committee on Local Government.
    - Provides for 14 total members—7 from each chamber, and at least 1 from each chamber must be a former city or county commissioner, city or county manager, or other city or county elected official.
    - Establishes that the purpose of the Committee is to review and monitor local government capital projects that are required to go before the Local Government Commission and require debt to be issued over $1,000,000, with the exception of school, jails, courthouses, and administrative buildings.
- Creates the Municipal Incorporations Subcommittee.
    - Provides for 6 total members—3 from each member, and at least 1 member from each chamber must be a former city or county commissioner, city or county manager, or other city or county elected official.

Joint Legislative Economic Development Oversight Committee

Section 1.10(a) increases the number of members from 12 to 22—11 from each chamber, and at least 3 must be members of the minority party.

Section 1.10(b) amends the duties of the Committee to require that it request a Department of Commerce report on the effectiveness of various economic development programs.

Environmental Review Commission

Section 1.13(d) amends the quorum required for a meeting of the Environmental Review Commission from nine to seven members.

Part 2- Conforming Changes

Part 2 of the bill, Sections 2.1 through 2.62 make conforming changes.

EFFECTIVE DATE: Unless otherwise provided, this act is effective when it becomes law.

H595-SMTH-14(e1) v1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 595

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

H595-ATG-54 [v.1]

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Date _____,2011

Representative _____

moves to amend the bill on page 13, line 47, by rewriting that line to read:
"Commission and require debt to be issued over ten million dollars ($10,000,000), with the ".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar, and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE OBSTACLES ENCOUNTERED IN SEEKING EMPLOYMENT BY PERSONS WHO HAVE COMMITTED RELATIVELY MINOR CRIMINAL OFFENSES, THE NEED FOR EMPLOYERS TO HAVE ACCURATE CRIMINAL INFORMATION ABOUT POTENTIAL EMPLOYEES, AND THE FEASIBILITY FEASIBILITY OF DEVELOPING AND IMPLEMENTING AN EXPUNCTION PROCEDURE THAT STRIKES THE APPROPRIATE BALANCE BETWEEN THOSE CONCERNS.

)R JOURNAL USE ONLY)

_____Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 186 A HOUSE RESOLUTION CREATING A HOUSE SELECT COMMITTEE TO INVESTIGATE THE HANDLING OF THE CTS CONTAMINATION SITE IN BUNCOMBE COUNTY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar, and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

A BILL TO BE ENTITLED AN ACT TO CREATE THE COMMERCIAL POULTRY HOUSE FIRE CODE LEGISLATION STUDY COMMISSION.

(FOR JOURNAL USE ONLY)

_____Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	02/01/2011	02/02/2011	02/16/2011	03/01/2011	03/08/2011	03/16/2011	3/12011 pm	3/30/2011	4/4/2011	4/5/2011	4/6/2011	4/6/2011 pm	4/11/2011	04/13/2011	
Rep. Stephen LaRoque Chair	x	x	x	X	x	x	x	x	X	x	x		x	x	
Rep. Tim Moore Chair	x	x	x	X	x	x	x		X	x	x	x	x	x	
Rep. Bill Owens Vice Chair	x	x	x	X				x	X	x	x		x	x	
Rep. Johnathan Rhyne Vice Chair	x	x	x		x	x	x		X		x			x	
Rep. Martha Alexander	x	x		X	x	x	x	x	X	x		x	x		
Rep. John Blust			x	X	x	x	x	x	X	x	x		x		
Rep. Jim Crawford	x	x	x			x			X		x				
Rep. Leo Daughtry	x	x			x	x	x				x				
Rep. Bill Faison	x	x	x	X	x	x	x	x	X	x	x		x	x	
Rep. Jean Farmer- Butterfield	x	x	x	X		x	x	x	X	x	x			x	
Rep. Dale Folwell	x	x	x			x								x	
Rep. Mitch Gillsepie			x			x	x						x	x	
Rep. Joe Hackney	x	x		X	x	x	x		X	x	x	x	x	x	
Rep. Dewey Hill	x	x	x	X		x	x			x	x		x		
Rep. Mark Hilton		x	x		x	x	x	x	X		x	x	x		
Rep. Maggie Jeffus	x	x	x	X	x	x	x			x					
Rep. Linda Johnson			x	X	x	x	x	x	X						
Rep. Paul Luebke	x	x	x	X	x	x	x	x		x	x	x	x	x	
Rep. Danny McComas	x	x	x				x				x		x	x	
Rep. Tim Moffitt			x	X	x	x	x	x	X	x	x			x	
Rep. Earline Parmon	x			X	x	x	x	x	X	x		x	x		
Rep. Ruth Samuelson	x	x	x	X	x	x		x		x				x	
Rep. Paul Stam	x	x	x	X	x	x	x		X				x	x	
Rep. Mike Stone	x	x	x	X	x	x	x	x		x	x	x	x	x	
Kory Goldsmith	x	x	x	X	x	x	x	x							
Bill Patterson	x	x	x	X	x	x	x	x	X	x	x			x	
Kelly Quick	x	x	x	X	x	x	x	x	X	x	x				

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 4/6/2011 **Room:** 1228

House Sgt-At Arms:

1. **Name:** MARTHA PARRISH
2. **Name:** EARL COKER
3. **Name:** KEN KIRBY
4. **Name:**
5. **Name:**

PAGES

~~Senate Sgt-At Arms:~~

1. **Name:** Savan Cook Johnston Daughtry
2. **Name:** Alex Moffitt Buncombe Hagar
3. **Name:**
4. **Name:**
5. **Name:**

VISITOR REGISTRATION SHEET

Rules — 4-6-11

Name of Committee — **Date**

you're a girl!

Hi How are you

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

I'm better

NAME	FIRM OR AGENCY AND ADDRESS
Lisa Martin	NC Home Builders
John Bourdeau	Astra Zeneca
DICK HAMILTON	NCWF
JGoodman	NC CHAMBER
Ray Hall	McGuire Woods
Jim Blum	NWC
Daniel Blum	Tharman Sanders
Rebecca Forbes	Carolina Cannabis Coalition

VISITOR REGISTRATION SHEET

Rules — 4-6-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kathy Hawkins	Duke Energy
Rick Zechini	Progress Energy
David McGowan	NC Realtors
[illegible]	DOT
Taylor Matthews	DENR- Waste Management
Kelli Burkness	DENR
Sarah Butler	DENR-DWM
Cady Thomas	NCAR
John Monaghan	Piedmont Natural Gas
Mia Bailey	Electricities
Kim McClees	McClees Consulting
Joe McClees	McClees Consulting

VISITOR REGISTRATION SHEET

Rules — 4-6-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

Hey

NAME	FIRM OR AGENCY AND ADDRESS
Bob Sherman	NCEA
Gail Mount	Self
Lori Ann Harkins	ZAHM
Matt Gross	NCA
Jonathon Sanders	Dominion
Michael Thompson	Dominion
Andrew Meehan	CapStrat
Doug Hraw	WM
Janet Osburn	CCC - NCCPN
Tim Kent	NC Beer & Wine Wholesalers
David Barnes	PS

VISITOR REGISTRATION SHEET

Rules — 4/6/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sohari	DST

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
April 11, 2011

The Committee on Rules, Calendar and Operations of the House met on April 11, 2011 at 9:46 pm in Room 1327 of the Legislative Building. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Faison, Gillespie, Hackney, Hill, Hilton, Luebke, McComas, Parmon, Stam, and Stone.

Rep. Tim Moore presided and recognized the Sergeant-at-Arms.

The Following Bills were considered:

HR-833 Honor State Capitol. (Representative Starnes, Representative Stam, and Representative Dollar, Representative Torbett, Primary Sponsors) Representative Stone motioned for the bill to be adopted. Vote was called. Bill was adopted.

HR-653 Halifax Resolves. (Representative Justice, Representative McComas, Representative Bradley, Jr., Primary Sponsors) Representative Stone motioned for the resolution to be adopted. Vote was called. Resolution was adopted.

HR-748 Organ Donation Month. (Representative Folwell, Representative Justice, Representative Wainwright, and Representative Wray, Primary Sponsors) Representative Owens motioned for the resolution to be adopted. Vote was called. Resolution was adopted.

HB-595 Reorganization/Legislative Oversight Comns. (Representative Barnhart, Representative Burr, Primary Sponsors) Representative Luebke motioned for the bill to be given a favorable report. Vote was called. Bill was given a favorable report.

Chair Moore adjourned at 9:55 pm.

Respectfully submitted:

Rep Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

After session

April 11, 2011

1327 LB

Representative Tim Moore Presiding

Remarks:

HR 653	Halifax Resolves.	Representative Justice
		Representative McComas
		Representative Bradley, Jr.
HR 748	Organ Donation Month.	Representative Folwell
		Representative Justice
		Representative Wainwright
		Representative Wray
HR 833	Honor State Capitol.	Representative Starnes
		Representative Stam
		Representative Dollar
		Representative Torbett
HB 595	Reorganization/Legislative Oversight Comns.	
		Representative Barnhart
		Representative Burr

Adjourn

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, April 11, 2011
TIME: after session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 595	Reorganization/Legislative Oversight Comns.	Representative Barnhart Representative Burr
HR 653	Halifax Resolves.	Representative Justice Representative McComas Representative Bradley, Jr.
HR 748	Organ Donation Month.	Representative Folwell Representative Justice Representative Wainwright Representative Wray
HR 833	Honor State Capitol.	Representative Starnes Representative Stam Representative Dollar Representative Torbett

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **7 PM** o'clock on **April 11, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, April 11, 2011
TIME: after session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 595	Reorganization/Legislative Oversight Comns.	Representative Barnhart Representative Burr
HR 653	Halifax Resolves.	Representative Justice Representative McComas Representative Bradley, Jr.
HR 748	Organ Donation Month.	Representative Folwell Representative Justice Representative Wainwright Representative Wray
HR 833	Honor State Capitol.	Representative Starnes Representative Stam Representative Dollar Representative Torbett

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **7 PM** o'clock on **April 11, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 833
PROPOSED COMMITTEE SUBSTITUTE H833-PCS30289-LB-33

Sponsors:

Referred to:

April 7, 2011

A HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE STATE CAPITOL.

Whereas, the North Carolina State Capitol, completed in 1840, is one of the finest and best preserved examples of a major civic building in the Greek Revival style of architecture and is a National Historic Landmark; and

Whereas, David Paton, a Scottish-born architect who had worked for noted English architect John Sloan, was hired in September 1834 to superintend construction of the Capitol, and the Capitol was built under Paton's supervision; and

Whereas, on the grounds of the Capitol, there are monuments paying tribute to those heroic men and women who contributed to the State's growth and prosperity; and

Whereas, until 1888, the Capitol used to house all three branches of the State's government; and

Whereas, since 1963, the General Assembly has only met at the Capitol for special occasions, including the 160th anniversary of the Capitol in 2000; and

Whereas, on the observance of the 235th anniversary of the Halifax Resolves, it is fitting that this legislative body gather in the Capitol to reflect upon this and other significant events in the State's history; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives recognizes the importance of the Capitol as a symbol of our history and republic and encourages the citizens of this State to visit and learn more about our State Capitol.

SECTION 2. This resolution is effective upon adoption.

HOUSE RESOLUTION 748

Sponsors:	Representatives Folwell, Justice, Wainwright, and Wray (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

April 7, 2011

A HOUSE RESOLUTION ENCOURAGING THE CITIZENS OF THIS STATE TO RECOGNIZE EACH APRIL AS ORGAN DONATION MONTH.

Whereas, in 2007, the Heart Prevails legislation was introduced by State Representatives Dale Folwell, Hugh Holliman, Debbie Clary, and William Wainwright and signed into law by Governor Michael F. Easley; and

Whereas, the Heart Prevails legislation was supported by the North Carolina Hospital Association, North Carolina Medical Society, North Carolina Hospice, North Carolina Eye and Tissue Bank, North Carolina Funeral Home Examining Board, North Carolina Medical Examiner, North Carolina Department of Motor Vehicles, North Carolina Trial Lawyers, and various organ procurement organizations; and

Whereas, in 2008 North Carolina may have had one of the single largest increases in organ donation transplants in the United States; and

Whereas, during that same year, the North Carolina Eye Bank reported that there was over a 50% increase in corneal transplants in North Carolina; and

Whereas, one tissue donation can save or improve the lives of as many as 50 people, and one organ donor can save the lives of up to eight people; and

Whereas, by September 2010 more than 218 North Carolinians had given the gift of organ donation but, unfortunately, by October 2010 more than 140 people had died in North Carolina waiting for a lifesaving transplant; and

Whereas, as of January 2011, there were more than 3,400 North Carolinians on the waiting list for organ donation; and

Whereas, it is imperative that the citizens of this State become aware of the importance of organ donation; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives supports organ donation and encourages the citizens of this State to recognize the month of April of each year as Organ Donation Month.

SECTION 2. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE RESOLUTION 653

Sponsors:	Representatives Justice, McComas, and Bradley (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

April 7, 2011

A HOUSE RESOLUTION OBSERVING THE TWO HUNDRED THIRTY-FIFTH ANNIVERSARY OF THE HALIFAX RESOLVES.

Whereas, on April 4, 1776, North Carolina's Fourth Provincial Congress reconvened in Halifax, North Carolina, and soon after appointed a committee to consider additional actions to defend the colony against King George III and the British Parliament; and

Whereas, the committee included Cornelius Harnett, Allen Jones, Thomas Burke, and Abner Nash; and

Whereas, on April 12, 1776, the committee submitted a resolution to the Provincial Congress for consideration; and

Whereas, the resolution, which became known as the "Halifax Resolves," directed North Carolina's delegates to the Second Continental Congress to vote for independence from Britain, to join the other colonies in declaring independence, and to reserve the right for North Carolina to create a constitution; and

Whereas, the 83 delegates present unanimously adopted the Halifax Resolves; and

Whereas, North Carolina was the first colony to officially encourage independence from Britain, which was soon followed by other colonies adopting similar resolutions; and

Whereas, adoption of the Halifax Resolves is considered one of the most important events in North Carolina's history; and

Whereas, the date "April 12, 1776" appears as part of North Carolina's flag; and

Whereas, 2011 marks the 235th anniversary of the adoption of the Halifax Resolves; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives wishes to pay tribute to Cornelius Harnett, Allen Jones, Thomas Burke, Abner Nash, and the other delegates to North Carolina's Fourth Provincial Congress for their brave action in seeking independence from Britain by adopting the Halifax Resolves.

SECTION 2. The House of Representatives encourages the citizens of this State to learn more about North Carolina's Fourth Provincial Congress and their actions and to observe the 235th anniversary of the adoption of the Halifax Resolves.

SECTION 3. This resolution is effective upon adoption.

HOUSE BILL 595

Short Title:	Reorganization/Legislative Oversight Comns.	(Public)
Sponsors:	Representatives Barnhart and Burr (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 5, 2011

A BILL TO BE ENTITLED

AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

PART I. REORGANIZATION AND CONSOLIDATION OF LEGISLATIVE OVERSIGHT COMMITTEES

LEGISLATIVE SERVICES COMMISSION

SECTION 1.1.(a) G.S. 120-31 reads as rewritten:

"**§ 120-31. Legislative Services Commission organization.**

(a) The Legislative Services Commission shall consist of the President pro tempore of the ~~Senate,~~Senate or a Senator designated by the President Pro Tempore, ~~seven~~ four Senators appointed by the President pro tempore of the Senate, the Speaker of the House of ~~Representatives,~~Representatives or a member of the House of Representatives designated by the Speaker, and ~~seven~~ four Representatives appointed by the Speaker of the House of Representatives. The President pro tempore of the Senate, and the Speaker of the House shall serve until the selection and qualification of their respective successors as officers of the General Assembly. The initial appointive members shall be appointed after the date of ratification of this Article and each shall serve for the remainder of his elective term of office and until his successor is appointed or until he ceases to be a member of the General Assembly, whichever occurs first. A vacancy in one of the appointive positions shall be filled in the same manner that the vacated position was originally filled, and the person so appointed shall serve for the remainder of the unexpired term of the person whom he succeeds. In the event the office of Speaker becomes vacated, the ~~seven~~ four Representatives shall elect one of themselves to perform the duties of the Speaker as required by this Article. In the event the office of President pro tempore becomes vacated, the ~~seven~~ four Senators shall elect one of themselves to perform the duties of President pro tempore as required by this Article. Members so elevated shall perform the duties required by this Article until a Speaker or a President pro tempore is duly elected by the appropriate house.

(b) The President pro tempore of the Senate or his designee from the Commission membership shall be the chairman of the Commission in odd-numbered years and the Speaker

of the House of Representatives or his designee from the Commission membership shall be chairman of the Commission in even-numbered years.

(c) The Commission may elect from its membership such other officers as it deems appropriate, and may appoint other members of the General Assembly to serve on any committee of the Commission.

(d) The Commission may adopt rules governing its own organization and proceedings.

(e) Members of the Commission, when the General Assembly is not in session, shall be reimbursed for subsistence and travel allowance as provided for members of the General Assembly when in session for such days as they are engaged in the performance of their duties.

(f) In any case where any provision of law or any rule of the Legislative Services Commission required approval of any action by the Legislative Services Commission, approval of that action by the President Pro Tempore of the Senate and by the Speaker of the House of Representatives constitutes approval of the Commission."

SECTION 1.1.(b) The terms of the current appointed members of the Legislative Services Commission terminate when this act becomes law.

JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

SECTION 1.2.(a) The duties of the following committees and commissions are transferred to the Joint Legislative Commission on Governmental Operations:

(1) Joint Legislative Oversight Committee on Capital Improvements.
(2) Joint Legislative Commission on Future Strategies for North Carolina.
(3) Joint Select Committee on Low-Level Radioactive Waste.
(4) Legislative Committee on New Licensing Boards.
(5) Joint Legislative Commission on Seafood and Aquaculture.
(6) Joint Legislative Utility Review Commission.

SECTION 1.2.(b) The following portions of Chapter 120 of the General Statutes are repealed:

(1) G.S. 120-70.1 through G.S. 120-70.6, (Article 12A, pertaining to the Joint Legislative Utility Review Commission).
(2) G.S. 120-70.31 through G.S. 120-70.37, (Article 12C, pertaining to the Joint Select Committee on Low-Level Radioactive Waste).
(3) G.S. 120-70.60 through G.S. 120-70.66, (Article 12F, pertaining to the Joint Legislative Commission on Seafood and Aquaculture).
(4) G.S. 120-84.6 through G.S. 120-84.12, (Article 13B, pertaining to the Joint Legislative Commission on Future Strategies for North Carolina).
(5) G.S. 120-149.1 through G.S. 120-149.6, (Article 18A, pertaining to the Legislative Committee on New Licensing Boards).
(6) G.S. 120-258 through G.S. 120-260, (Article 29, pertaining to the Joint Legislative Oversight Committee on Capital Improvements).

SECTION 1.2.(c) G.S. 120-74 reads as rewritten:

"**§ 120-74. Appointment of members; terms of office.**

The Commission shall consist of ~~38~~ 42 members. The President pro tempore of the Senate, the Speaker pro tempore of the House, the Deputy President pro tempore of the Senate, the Majority Leader of the House of Representatives, and the Majority Leader of the Senate and the Speaker of the House shall serve as ex officio members of the Commission. The Speaker of the House of Representatives shall appoint ~~16~~ 21 members from the ~~House.~~House, at least five of whom are members of the minority party. The President pro tempore of the Senate shall appoint ~~16~~ 21 members from the ~~Senate.~~Senate, at least five of whom are members of the minority party. Vacancies created by resignation or otherwise shall be filled by the original appointing authority. Members shall serve two-year terms beginning and ending on January 15 of the odd-numbered years. Members shall not be disqualified from completing a term of

service on the Commission because they fail to run or are defeated for reelection. Resignation or removal from the General Assembly shall constitute resignation or removal from membership on the Commission."

SECTION 1.2.(d) G.S. 120-76 reads as rewritten:

"**§ 120-76. Powers and duties of the Commission.**

The Commission shall have the following powers:

(1) To conduct program evaluation studies of the various components of State agency activity as they relate to:
   a. Service benefits of each program relative to expenditures;
   b. Achievement of program goals;
   c. Use of indicators by which the success or failure of a program may be gauged; and
   d. Conformity with legislative intent.

(2) To study legislation which would result in new programs with statewide implications for feasibility and need. These studies may be jointly conducted with the Fiscal Research Division of the Legislative Services Commission.

(3) To study on a continuing basis the implementation of State government reorganization with respect to:
   a. Improvements in administrative structure, practices and procedures;
   b. The relative effectiveness of centralization and decentralization of management decisions for agency operation;
   c. Opportunities for effective citizen participation; and
   d. Broadening of career opportunities for professional staff.

(4) To make such studies and reports of the operations and functions of State government as it deems appropriate or upon petition by resolution of either the Senate or the House of Representatives.

(5) To produce routine written reports of findings for general legislative and public distribution. Special attention shall be given to the presentation of findings to the appropriate committees of the Senate and the House of Representatives. If findings arrived at during a study have a potential impact on either the finance or appropriations deliberations, such findings shall immediately be presented to the committees. Such reports shall contain recommendations for appropriate executive action and when legislation is considered necessary to effect change, draft legislation for that purpose may be included. Such reports as are submitted shall include but not be limited to the following matters:
   a. Ways in which the agencies may operate more economically and efficiently;
   b. Ways in which agencies can provide better services to the State and to the people; and
   c. Areas in which functions of State agencies are duplicative, overlapping, or failing to accomplish legislative objectives, or for any other reason should be redefined or redistributed.

(6) To devise a system, in cooperation with the Fiscal Research Division of the Legislative Services Commission, whereby all new programs authorized by the General Assembly incorporate an evaluation component. The results of such evaluations may be made to the Appropriations Committees at the beginning of each regular session.

(7) To evaluate and approve or deny requests from the Department of Transportation regarding the funding of federally eligible construction projects as provided in the fourth paragraph of G.S. 136-44.2.

(8) The Joint Legislative Commission on Governmental Operations shall be consulted by the Governor before the Governor does any of the following:

a. Repealed by Session Laws 2007-117, s. 2, effective July 1, 2007.

b. Authorizes expenditures in excess of the total requirements of a purpose or program as enacted by the General Assembly and as provided by G.S. 143C-6-4.

c. Proceeds to reduce programs subsequent to a reduction of ten percent (10%) or more in the federal fund level certified to a department and any subsequent changes in distribution formulas.

d. Takes extraordinary measures under Article III, Section 5(3) of the Constitution to effect necessary economies in State expenditures required for balancing the budget due to a revenue shortfall, including, but not limited to, the following: loans among funds, personnel freezes or layoffs, capital project reversions, program eliminations, and use of reserves. However, if the Committee fails to meet within 10 calendar days of a request by the Governor for its consultation, the Governor may proceed to take the actions he feels are appropriate and necessary and shall then report those actions at the next meeting of the Commission.

e. Approves a new capital improvement project funded from gifts, grants, receipts, special funds, self-liquidating indebtedness, and other funds or any combination of funds for the project not specifically authorized by the General Assembly. The budget for each capital project must include projected revenues in an amount not less than projected expenditures.

(9) To examine, on a continuing basis, capital improvements approved and undertaken for State facilities and institutions and to have oversight over implementation of the six-year capital improvements plan developed pursuant to G.S. 143C-8-5.

(10) To establish a subcommittee to evaluate the need for any new licensing board by establishing criteria and procedures for reviewing proposed licensing boards. To assure that no new licensing board shall be established unless the following criteria are met:

a. The unregulated practice of the profession or occupation can substantially harm or endanger the public health, safety, or welfare, and the potential for such harm is recognizable and not remote or dependent upon tenuous argument.

b. The profession or occupation possesses qualities that distinguish it from ordinary labor.

c. Practice of the profession or occupation requires specialized skill or training.

d. A substantial majority of the public does not have the knowledge or experience to evaluate whether the practitioner is competent.

e. The public is not effectively protected by other means.

f. Licensure will not have a substantial adverse economic impact upon consumers of the practitioner's goods or services.

(11) To evaluate the North Carolina Utilities Commission, by doing the following:

a. Reviewing the actions of the North Carolina Utilities Commission, including the review of its interim and final orders, to the end that the members of the General Assembly may better judge whether these

actions serve the best interest of the citizens of North Carolina, individual and corporate.

b. Inquiring into the role of the North Carolina Utilities Commission, the Public Staff, and the several utility companies in the development of alternate sources of energy.

c. Submitting evaluations to the General Assembly, from time to time, of the performance of the North Carolina Utilities Commission, the Public Staff, and the various utilities operating in the State. A proposed draft of such evaluations shall be submitted to the North Carolina Utilities Commission, the Public Staff, and the affected public utilities prior to submission to the General Assembly, and the affected entity shall be given an opportunity to be heard before the Commission prior to the completion of the evaluation and its submission to the General Assembly.

(12) To make reports and recommendations to the General Assembly, from time to time, on matters relating to the powers and duties set out in this section.

(13) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting any of the duties of the Commission.

(14) To review and evaluate changes in federal law and regulation, or changes brought about by court actions, as well as changes in technology affecting any of the duties of the Commission, to determine whether the State's laws require modification as a result of those changes."

SECTION 1.2.(e) G.S. 120-76.1 reads as rewritten:

"**§ 120-76.1. Prior consultation with the ~~Commission.~~Commission; reporting requirements.**

(a) Consultation by Governor. – Notwithstanding the provisions of G.S. 120-76(8) or any other provision of law requiring prior consultation by the Governor with the Commission, whenever an expenditure is required because of an emergency that poses an imminent threat to public health or public safety, and is either the result of a natural event, such as a hurricane or a flood, or an accident, such as an explosion or a wreck, the Governor may take action without consulting the Commission if the action is determined by the Governor to be related to the emergency. The Governor shall report to the Commission on any expenditures made under this subsection no later than 30 days after making the expenditure and shall identify in the report the emergency, the type of action taken, and how it was related to the emergency.

(b) Consultation by Agencies, Boards, and Commission. – Any agency, board, commission, or other entity required under G.S. 120-76(8) or any other provision of law to consult with the Commission prior to taking an action shall submit a detailed report of the action under consideration to the Chairs of the Commission, the Commission Assistant, and the Fiscal Research Division of the General Assembly. If the Commission does not hold a meeting to hear the consultation within 90 days of receiving the submission of the detailed report, the consultation requirement is satisfied. With regard to capital improvement projects of The University of North Carolina, if the Commission does not hold a meeting to hear the consultation within 30 days of receiving the submission of the detailed report, the consultation requirement of G.S. 120-76(8)e. is satisfied.

(c) Exemptions. – Consultations regarding the establishment of new fees and charges and the increase of existing fees and charges are governed by G.S. 12-3.1, and this section does not apply to those consultations."

JOINT REGULATORY REFORM COMMITTEE

SECTION 1.3.(a) The duties of the Joint Legislative Administrative Procedures Oversight Committee are transferred to the Joint Regulatory Reform Committee.

SECTION 1.3.(b) Article 12K of Chapter 120 of the General Statutes, G.S. 120-70.100 through G.S. 120-70.102, is repealed.

SECTION 1.3.(c) Section 3 of Resolution 2011-2 reads as rewritten:

"**SECTION 3.** Powers. – The Joint Regulatory Reform Committee has the following powers and duties:

(1) Hold meetings and receive input from the public, regulated community, and agencies regarding outdated, unnecessary, unduly burdensome, or vague rules and rule-making procedures that are an impediment to private sector job creation.

(2) Evaluate the reform suggestions presented during the public comment process and determine which warrant introduction and consideration during the 2011 Session of the General Assembly in 2011 or 2012.

(3) Review the rule-making process to determine if the procedures for adopting rules give adequate consideration to the potential impact on job creation.

(3a) Review rules to which the Rules Review Commission has objected to determine if statutory changes are needed to enable the agency to fulfill the intent of the General Assembly.

(3b) Receive reports prepared by the Rules Review Commission containing the text and a summary of each rule approved by the Commission.

(3c) Review the activities of State occupational licensing boards to determine if the boards are operating in accordance with statutory requirements and if the boards are still necessary to achieve the purposes for which they were created. This review shall not include decisions concerning board personnel matters or determinations on individual licensing applications or individual disciplinary actions.

(3d) Review State regulatory programs to determine if the programs overlap, have conflicting goals, or could be simplified and still achieve the purpose of the regulation.

(4) Report to the General Assembly concerning any recommendations for statutory changes."

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

SECTION 1.4.(a) The duties of the Joint Legislative Committee on Domestic Violence are transferred to the Joint Legislative Oversight Committee on Justice and Public Safety.

SECTION 1.4.(b) Article 30 of Chapter 120 of the General Statutes, G.S. 120-265 through G.S. 120-267, is repealed.

SECTION 1.4.(c) Article 12J of Chapter 120 of the General Statutes reads as rewritten:

"Article 12J.

"Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety.

"**§ 120-70.93. Creation and membership of Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety.**

The Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety is established. The Committee consists of ~~16~~ 22 members as follows:

(1) ~~Eight~~ Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least ~~two~~ three of whom are members of the minority party; and

(2) ~~Eight~~ Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within30 days by the officer who made the original appointment.

"§ 120-70.94. Purpose and powers of Committee.

(a) The Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

(1) Study the budget, programs, and policies of the Departments of Correction, Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention to determine ways in which the General Assembly may improve the effectiveness of those Departments;

(2) Examine the effectiveness of the Department of Correction in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release;

(2a) Examine the effectiveness of the Department of Crime Control and Public Safety in implementing the duties and responsibilities charged to the Department in G.S. 143B-474 and the overall effectiveness and efficiency of law enforcement in the State;

(2b) Examine the effectiveness of the Department of Juvenile Justice and Delinquency Prevention in implementing the duties and responsibilities charged to the Department in Article 12 of Chapter 143B of the General Statutes and the overall effectiveness and efficiency of the juvenile justice system in the State; ~~and~~

~~(3) Study any other matters that the Committee considers necessary.~~

(3a) Study and evaluate the funding sources and needs of domestic violence programs providing services to domestic violence victims and programs providing treatment to domestic violence abusers;

(4) Study legal services funding for domestic violence victims and explore additional sources of funding;

(5) Explore sources of additional funding for all domestic violence programs, including visitation centers;

(6) Examine current programs and explore new programs to provide effective services to domestic violence victims and treatment to domestic violence abusers;

(7) Examine law enforcement and judicial responses to domestic violence;

(8) Review data collected on domestic violence cases pursuant to G.S. 15A-1382.1;

(9) Study the effectiveness of the Crime Victims Rights Act as it relates to domestic violence; and

(10) Study any other matter that the Committee considers necessary.

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

"**§ 120-70.95. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

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

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

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

SECTION 1.5.(a) The duties of the Legislative Study Commission on Children and Youth are transferred to the Joint Legislative Education Oversight Committee.

SECTION 1.5.(b) Article 24 of Chapter 120 of the General Statutes, G.S. 120-215 through G.S. 120-221, is repealed.

SECTION 1.5.(c) G.S. 120-70.80 reads as rewritten:

"**§ 120-70.80. Creation and membership of Joint Legislative Education Oversight Committee.**

The Joint Legislative Education Oversight Committee is established. The Committee consists of 22 members as follows:

(1) Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least ~~two~~ three of whom are members of the minority party; and

(2) Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

SECTION 1.5.(d) G.S. 120-70.81 reads as rewritten:

"§ 120-70.81. Purpose and powers of Committee.

(a) The Joint Legislative Education Oversight Committee shall examine, on a continuing basis, the several educational institutions in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve public education from kindergarten through higher education. In this examination, the Committee ~~shall:~~may:

(1) Study the budgets, programs, and policies of the Department of Public Instruction, the State Board of Education, the Community Colleges System Office, the Board of Governors of The University of North Carolina, and the constituent institutions of The University of North Carolina to determine ways in which the General Assembly may encourage the improvement of all education provided to North Carolinians and may aid in the development of more integrated methods of institutional accountability;

(2) Examine, in particular, the Basic Education Plan and the School Improvement and Accountability Act of 1989, to determine whether changes need to be built into the plans, whether implementation schedules need to be restructured, and how to manage the ongoing development of the policies underlying these legislative plans, including a determination of whether there is a need for the legislature to develop ongoing funding patterns for these plans;

(3) Study other states' educational initiatives in public schools, community colleges, and public universities, in order to provide an ongoing commentary to the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and

(4) Study any other educational matters that the Committee considers necessary to fulfill its mandate.

(5) Study the needs of children and youth. This study may include, but is not limited to:

a. Determining the adequacy and appropriateness of services:

1. To children and youth receiving child welfare services;
2. To children and youth in the juvenile court system;
3. Provided by the Division of Social Services and the Department of Juvenile Justice and Delinquency Prevention;
4. To children and youth served by the Mental Health, Developmental Disabilities, and Substance Abuse Services system.

b. Developing methods for identifying and providing services to children and youth not receiving but in need of child welfare services, children and youth at risk of entering the juvenile court system, and children and youth exposed to domestic violence situations.

c. Developing strategies for addressing the issues of school dropout, teen suicide, and adolescent pregnancy.

d. Identifying and evaluating the impact on children and youth of other economic and environmental issues.

e. Identifying obstacles to ensuring that children who are in secure or nonsecure custody are placed in safe and permanent homes within a reasonable period of time and recommending strategies for overcoming those obstacles. The Commission shall consider what, if anything, can be done to expedite the adjudication and appeal of abuse and neglect charges against parents so that decisions may be

made about the safe and permanent placement of their children as quickly as possible.

(6) Evaluate problems associated with juveniles who are beyond the disciplinary control of their parents, including juveniles who are runaways, and develop solutions for addressing the problems of those juveniles.

(7) Identify strategies for the development and funding of a comprehensive statewide database relating to children and youth to facilitate State agency planning for delivery of services to children and youth.

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

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES

SECTION 1.6.(a) The duties of the following commissions and committees are transferred to the Joint Legislative Oversight Committee on Health and Human Services, established by subsection (c) of this section:

(1) North Carolina Study Commission on Aging.

(2) Joint Legislative Health Care Oversight Committee.

(3) Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services.

(4) Public Health Study Commission.

SECTION 1.6.(b) The following portions of Chapter 120 of the General Statutes are repealed:

(1) G.S. 120-70.110 through G.S. 120-70.112, (Article 12M, pertaining to the Joint Legislative Health Care Oversight Committee).

(2) G.S. 120-180 through G.S. 120-188, (Article 21, pertaining to the North Carolina Study Commission on Aging).

(3) G.S. 120-195 through G.S. 120-203, (Article 22, pertaining to the Public Health Study Commission).

(4) G.S. 120-240 through G.S. 120-244, (Article 27, pertaining to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services).

SECTION 1.6.(c) Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 23A.

"Joint Legislative Oversight Committee on Health and Human Services.

"**§ 120-208. Creation and membership of Joint Legislative Oversight Committee on Health and Human Services.**

(a) The Joint Legislative Oversight Committee on Health and Human Services is established. The Committee consists of 22 members as follows:

(1) Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least three of whom are members of the minority party; and

(2) Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

(b) Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. 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.

(c) 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.

"**§ 120-208.1. Purpose and powers of Committee.**

(a) The Joint Legislative Oversight Committee on Health and Human Services shall examine, on a continuing basis, the systemwide issues affecting the development, budgeting, financing, administration, and delivery of health and human services, including issues relating to the governance, accountability, and quality of health and human services delivered to individuals and families in this State. The Committee shall make ongoing recommendations to the General Assembly on ways to improve the quality and delivery of services and to maintain a high level of effectiveness and efficiency in system administration at the State and local levels. In conducting its examination, the Committee shall do all of the following:

(1) Study the budgets, programs, and policies of each Division within the Department of Health and Human Services, to determine ways in which the General Assembly may encourage improvement in the budgeting and delivery of health and human services provided to North Carolinians.

(2) Examine, in particular, issues relating to services provided by the following Divisions within the Department of Health and Human Services:

a. Aging and Adult Services.

b. Medical Assistance.

c. Mental Health, Developmental Disabilities, and Substance Abuse Services.

d. Public Health.

e. Social Services.

(3) Study other states' health and human services initiatives, in order to provide an ongoing commentary to the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and

(4) Study any other health and human services matters that the Committee considers necessary to fulfill its mandate.

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

"**§ 120-208.2. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Oversight Committee on Health and Human Services. The Committee shall meet at least once per quarter, except while the General Assembly is in regular session, and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is 10 members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

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

House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

(d) The Committee cochairs may establish subcommittees for the purpose of examining issues relating to services provided by particular Divisions within the Department of Health and Human Services.

"**§ 120-208.3. Additional powers.**

The Joint Legislative Oversight Committee on Health and Human Services, while in discharge of official duties, shall have access to any paper or document, and may compel the attendance of any State official or employee before the Committee or secure any evidence under G.S. 120-19. In addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Committee as if it were a joint committee of the General Assembly.

"**§ 120-208.4. Reports to Committee.**

Whenever a Division within the Department of Health and Human Services is required by law to report to the General Assembly or to any of its permanent, study, or oversight committees or subcommittees on matters affecting that Division, the Department shall transmit a copy of the report to the cochairs of the Joint Legislative Oversight Committee on Health and Human Services."

JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

SECTION 1.7.(a) The duties of the Future of the North Carolina Railroad Study Commission are assigned to the Joint Legislative Transportation Oversight Committee.

SECTION 1.7.(b) Article 28 of Chapter 120 of the General Statutes, G.S. 120-245 through G.S. 120-255, is repealed.

SECTION 1.7.(c) G.S. 120-70.50 reads as rewritten:

"**§ 120-70.50. Creation and membership of Joint Legislative Transportation Oversight Committee.**

The Joint Legislative Transportation Oversight Committee is established. The Committee consists of ~~18~~ 22 members as follows:

(1) ~~Nine~~ Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least ~~two~~ three of whom are members of the minority party; and

(2) ~~Nine~~ Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

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. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

SECTION 1.7.(d) G.S. 120-70.51(a) reads as rewritten:

"(a) The Joint Legislative Transportation Oversight Committee may:

(1) Review reports prepared by the Department of Transportation or any other agency of State government related, in any manner, to transportation, when those reports are required by any law.

(2) Monitor the funds deposited in and expenditures from the North Carolina Highway Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation.

(3) Determine whether funds related, in any manner, to transportation are being spent in accordance with law.

(4) Determine whether any revisions are needed in the funding for a program for which funds in the Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation may be used, including revisions needed to meet any statutory timetable or program.

(4a) Examine the importance of railroads and railroad infrastructure improvements to economic development in North Carolina, including improvements to short-line railroads.

(4b) Study issues important to the future of passenger and freight rail service in North Carolina.

(4c) Determine methods to expedite property disputes between railroads and private landowners.

(4d) Study all aspects of the operation, structure, management, and long-range plans of the North Carolina Railroad.

(5) Report to the General Assembly at the beginning of each regular session concerning its determinations of needed changes in the funding or operation of programs related, in any manner, to transportation."

JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT

SECTION 1.8.(a) Part 1 of Article 20 of Chapter 120 of the General Statutes reads as rewritten:

"Article 20.

"Joint Legislative ~~Commission~~ Committee on ~~Municipal Incorporations.~~ Local Government.

"Part 1. Organization.

"**§ 120-157.1. Committee established.**

(a) The Joint Legislative Committee on Local Government is established. The Committee shall consist of 14 members, appointed as follows:

(1) Seven members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom shall be members of the minority party. At least one member shall be a former city or county commissioner, city or county manager, or other city or county elected official.

(2) Seven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least two of whom shall be members of the minority party. At least one member shall be a former city or county commissioner, city or county manager, or other city or county elected official.

(b) Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. 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.

(c) 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.

"**§ 120-157.2. Purpose and powers of Committee.**

(a) The Joint Legislative Committee on Local Government shall review and monitor local government capital projects that are required to go before the Local Government Commission and require debt to be issued over one million dollars ($1,000,000), with the exception of schools, jails, courthouses, and administrative buildings. Any project that fits these criteria must be reported to the Committee Chairs, Committee Assistant, and the Fiscal Research Division at least 45 days prior to presentation before the Local Government Commission.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly shall include the purpose, scope, debt requirements, financing methods, and repayment plans of any local governmental capital project reviewed pursuant to subsection (a) of this section and may contain any legislation needed to implement a recommendation of the Committee.

"**§ 120-157.3. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Committee on Local Government. The Committee may meet on days when the members of the General Assembly are entitled to subsistence pursuant to G.S. 120-3.1 and may meet at other times upon the joint call of the cochairs.

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

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

"**§ 120-157.4. Additional powers.**

The Joint Legislative Committee on Local Government, while in discharge of official duties, shall have access to any paper or document, and may compel the attendance of any State official or employee before the Committee or secure any evidence under G.S. 120-19. In addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Committee as if it were a joint committee of the General Assembly.

"**§ 120-158. Creation of ~~Commission.~~Municipal Incorporations Subcommittee.**

(a) There is created the ~~Joint Legislative Commission on~~ Municipal ~~Incorporations, referred to in this Article as "Commission".~~Incorporations Subcommittee of the Joint Legislative Committee on Local Government.

(b) The Commission shall consist of six members, appointed as follows:

(1) ~~Two~~ Three Senators appointed by the President Pro Tempore of the ~~Senate;~~Senate, at least one of whom shall be a former city or county commissioner, city or county manager, or other local elected official.

(2) ~~Two~~ Three House members appointed by the ~~Speaker;~~Speaker of the House of Representatives, at least one of whom shall be a former city or county commissioner, city or county manager, or other local elected official.

~~(3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and~~

~~(4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.~~

"**§ 120-159. ~~Terms.~~Terms; meetings.**

(a) Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued

eligibility for the category. The ~~Commission~~ Municipal Incorporations Subcommittee shall elect a ~~chairman~~ chair from its membership for a one-year term.

(b) The Subcommittee may meet on days when the members of the General Assembly are entitled to subsistence pursuant to G.S. 120-3.1 and may meet at other times upon the joint call of the cochairs.

~~"§ 120-160. Compensation.~~

~~Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.~~

~~"§ 120-161. Facilities and staff.~~

~~The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the School of Government at the University of North Carolina at Chapel Hill, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.~~"

JOINT LEGISLATIVE ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE

SECTION 1.10.(a) G.S. 120-70.130 reads as rewritten:

"§ 120-70.130. Creation and membership of Joint Legislative Economic Development Oversight Committee.

The Joint Legislative Economic Development Oversight Committee is established. The Committee consists of ~~12~~ 22 members as follows:

(1) ~~Six~~ Eleven members of the Senate appointed by the President Pro Tempore of the ~~Senate;~~Senate, at least three of whom are members of the minority party; and

(2) ~~Six~~ Eleven members of the House of Representatives appointed by the Speaker of the House of ~~Representatives.~~Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 2007 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

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

SECTION 1.10.(b) G.S. 120-70.131 reads as rewritten:

"§ 120-70.131. Purpose and powers of Committee.

(a) The Joint Legislative Economic Development Oversight Committee shall examine, on a continuing basis, economic growth and development issues and strategies in North Carolina in order to make ongoing recommendations to the General Assembly on ways to promote cost-effective economic development initiatives. In this examination, the Committee may:

(1) Study the budgets, programs, and policies of the Department of Commerce, the North Carolina Partnership for Economic Development, and other State, regional, and local entities involved in economic development.

(2) Analyze legislation from other states regarding economic development.

(3) Analyze proposals produced by the Economic Development Board.

(3a) Request the Department of Commerce to provide an annual report by January 15 of each year on the effectiveness of the following economic development programs:
a. Job Development Investment Grant Program (JDIG).
b. One North Carolina.
c. Article 3J Credits.
d. Job Maintenance and Capital Development Fund (JMAC).
(4) Study any other matters that the Committee considers necessary to fulfill its mandate.

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

ENVIRONMENTAL REVIEW COMMISSION

SECTION 1.13. G.S. 120-70.42 reads as rewritten:

"**§ 120-70.42. Membership; cochairs; vacancies; quorum.**

(a) The Environmental Review Commission shall consist of six Senators appointed by the President Pro Tempore of the Senate, six Representatives appointed by the Speaker of the House of Representatives, who shall serve at the pleasure of their appointing officer, the Chair or a Cochair of the Senate Committee on Agriculture, Environment, and Natural Resources or the equivalent committee, the Chair or a Cochair of the House of Representatives Committee on Environment and Natural Resources or the equivalent committee, the Chair or a Cochair of the Senate Committee on Appropriations – Natural and Economic Resources or the equivalent committee, and the Chair or a Cochair of the House of Representatives Committee on Appropriations – Natural and Economic Resources or the equivalent committee.

(b) The President Pro Tempore of the Senate shall designate one or more Senators and the Speaker of the House of Representatives shall designate one or more Representatives to serve as cochairs.

(c) Except as otherwise provided in this subsection, a member of the Commission shall continue to serve for so long as the member remains a member of the General Assembly and no successor has been appointed. A member of the Commission who does not seek reelection or is not reelected to the General Assembly may complete a term of service on the Commission until the day on which a new General Assembly convenes. A member of the Commission who resigns or is removed from service in the General Assembly shall be deemed to have resigned or been removed from service on the Commission. Any vacancy that occurs on the Environmental Review Commission shall be filled in the same manner as the original appointment.

(d) A quorum of the Environmental Review Commission shall consist of ~~nine~~ seven members."

PART II. CONFORMING CHANGES

SECTION 2.1. G.S. 7A-346.3 reads as rewritten:

"**§ 7A-346.3. Impaired driving integrated data system report.**

The information compiled by G.S. 7A-109.2 shall be maintained in an Administrative Office of the Courts database. By March 1, the Administrative Office of the Courts shall provide an annual report of the previous calendar year to the Joint Legislative Commission on Governmental Operations and the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety. The annual report shall show the types of dispositions for the entire State by county, by judge, by prosecutor, and by defense attorney. This report shall also include the amount of fines, costs,

and fees ordered at the disposition of the charge, the amount of any subsequent reduction, amount collected, and the amount still owed, and compliance with sanctions of community service, jail, substance abuse assessment, treatment, and education. The Administrative Office of the Courts shall facilitate public access to the information collected under this section by posting this information on the court's Internet page in a manner accessible to the public and shall make reports of any information collected under this section available to the public upon request and without charge."

SECTION 2.2. G.S. 7A-409.1(g) reads as rewritten:

"(g) The State Judicial Council shall report to the General Assembly and the Chief Justice no later than December 31, 2009, and no later than December 31 of every third year, regarding the implementation of S.L. 2006-184 and shall include in its report the statistics regarding inquiries and any recommendations for changes. The House of Representatives and the Senate shall refer the report of the State Judicial Council to the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety and such other committees as the Speaker of the House of Representatives or the President Pro Tempore of the Senate shall deem appropriate, for their review."

SECTION 2.3. G.S. 15A-266.5 reads as rewritten:

"**§ 15A-266.5. Tests to be performed on DNA sample.**

(a) The tests to be performed on each DNA sample are:

(1) To analyze and type only the genetic markers that are used for identification purposes contained in or derived from the DNA.

(2) For law enforcement identification purposes.

(3) For research and administrative purposes, including:

a. Development of a population database when personal identifying information is removed.

b. To support identification research and protocol development of forensic DNA analysis methods.

c. For quality control purposes.

d. To assist in the recovery or identification of human remains from mass disasters or for other humanitarian purposes, including identification of missing persons.

(b) The DNA record of identification characteristics resulting from the DNA testing shall be stored and maintained by the SBI in the State DNA Database. The DNA sample itself will be stored and maintained by the SBI in the State DNA Databank.

(c) The SBI shall report annually to the Joint Legislative Commission on Governmental Operations and to the Joint Legislative ~~Corrections, Crime Control and Juvenile Justice Oversight Committee,~~Oversight Committee on Justice and Public Safety, on or before February 1, with information for the previous calendar year, which shall include: a summary of the operations and expenditures relating to the DNA Database and DNA Databank; the number of DNA records from arrestees entered; the number of DNA records from arrestees that have been expunged; and the number of DNA arrestee matches or hits that occurred with an unknown sample, and how many of those have led to an arrest and conviction; and how many letters notifying defendants that a record and sample have been expunged, along with the number of days it took to complete the expunction and notification process, from the date of the receipt of the verification form from the State.

(d) The Department of Justice, in consultation with the Administrative Office of the Courts and the Conference of District Attorneys, shall study, develop, and recommend an automated procedure to facilitate the process of expunging DNA samples and records taken pursuant to G.S. 15A-266.3A, and shall report to the Joint Legislative Commission on Governmental Operations, the Joint Legislative ~~Corrections, Crime Control and Juvenile~~

~~Justice Oversight Committee,~~ Oversight Committee on Justice and Public Safety, and the Courts Commission, on or before February 1, 2011."

SECTION 2.4. G.S. 15A-1475 reads as rewritten:

"**§ 15A-1475. Reports.**

Beginning January 1, 2008, and annually thereafter, the North Carolina Innocence Inquiry Commission shall report on its activities to the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety and the State Judicial Council. The report may contain recommendations of any needed legislative changes related to the activities of the Commission. The report shall recommend the funding needed by the Commission, the district attorneys, and the State Bureau of Investigation in order to meet their responsibilities under S.L. 2006-184. Recommendations concerning the district attorneys or the State Bureau of Investigation shall only be made after consultations with the North Carolina Conference of District Attorneys and the Attorney General."

SECTION 2.5. G.S. 58-42-45 reads as rewritten:

"**§ 58-42-45. Article subject to Administrative Procedure Act; legislative oversight of plans.**

(a) The provisions of Chapter 150B of the General Statutes shall apply to this Article.

(b) At the same time the Commissioner issues a notice of hearing under G.S. 150B-38, the Commissioner shall provide copies of the notice to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee and to the Joint Legislative Commission on Governmental Operations. The Commissioner shall provide the Committee and Commission with copies of any plan promulgated by or approved by the Commissioner under G.S. 58-42-1(1) or (2)."

SECTION 2.6. G.S. 58-50-95 reads as rewritten:

"**§ 58-50-95. Report by Commissioner.**

The Commissioner shall report annually to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services regarding the nature and appropriateness of reviews conducted under this Part. The report, which shall be provided to the public upon request, should include the number of reviews, underlying issues in dispute, character of the reviews, dollar amounts in question, whether the review was decided in favor of the covered person or the health benefit plan, the cost of review, and any other information relevant to the evaluation of the effectiveness of this Part."

SECTION 2.7. G.S. 58-50-180(g) reads as rewritten:

"(g) The Executive Director shall make an annual report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Commissioner, the Joint Legislative ~~Health Care~~ Oversight ~~Committee,~~Committee on Health and Human Services, and the Committee on Employee Hospital and Medical Benefits. The report shall summarize the activities of the Pool in the preceding calendar year, including the net written and earned premiums, benefit plan enrollment, the expense of administration, and the paid and incurred losses."

SECTION 2.8. G.S. 62-15(a) reads as rewritten:

"(a) There is established in the Commission the office of executive director, whose salary and longevity pay shall be the same as that fixed for members of the Commission. "Service" for purposes of longevity pay means service as executive director of the public staff. The executive director shall be appointed by the Governor subject to confirmation by the General Assembly by joint resolution. The name of the executive director appointed by the Governor shall be submitted to the General Assembly on or before May 1 of the year in which the term of his office begins. The term of office for the executive director shall be six years, and the initial term shall begin July 1, 1977. The executive director may be removed from office by the Governor in the event of his incapacity to serve; and the executive director shall be removed from office by the Governor upon the affirmative recommendation of a majority of

the Commission, after consultation with the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations of the General Assembly. In case of a vacancy in the office of executive director for any reason prior to the expiration of his term of office, the name of his successor shall be submitted by the Governor to the General Assembly, not later than four weeks after the vacancy arises. If a vacancy arises in the office when the General Assembly is not in session, the executive director shall be appointed by the Governor to serve on an interim basis pending confirmation by the General Assembly."

SECTION 2.9. G.S. 62-15(h) reads as rewritten:

"(h) The executive director is authorized to employ, subject to approval by the State Budget Officer, expert witnesses and such other professional expertise as the executive director may deem necessary from time to time to assist the public staff in its participation in Commission proceedings, and the compensation and expenses therefor shall be paid by the utility or utilities participating in said proceedings. Such compensation and expenses shall be treated by the Commission, for rate-making purposes, in a manner generally consistent with its treatment of similar expenditures incurred by utilities in the presentation of their cases before the Commission. An accounting of such compensation and expenses shall be reported annually to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations and to the Speaker of the House of Representatives and the President Pro Tempore of the Senate."

SECTION 2.10. G.S. 62-36A(c) reads as rewritten:

"(c) Within 180 days after all local distribution companies have filed their initial or biennial update reports, the Commission and the Public Staff shall independently provide analyses and summaries of those reports, together with status reports of natural gas service in the State, to the Joint Legislative ~~Utility Review Committee.~~Commission on Governmental Operations."

SECTION 2.11. G.S. 62-133.2(g) reads as rewritten:

"(g) On July 1 of every odd-numbered year, the Utilities Commission shall provide a report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations summarizing the proceedings conducted pursuant to this section during the preceding two years."

SECTION 2.12. G.S. 62-133.5(k) reads as rewritten:

"(k) To evaluate the affordability and quality of local exchange service provided to consumers in this State, a local exchange company or competing local provider offering basic local residential exchange service that elects to have its rates, terms, and conditions for its services determined pursuant to the plan described in subsection (h) of this section shall make an annual report to the General Assembly on the state of its company's operations. The report shall be due 30 days after the close of each calendar year and shall cover the period from January 1 through December 31 of the preceding year. The Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations must review the annual reports and decide whether to recommend that the General Assembly take corrective action in response to those reports. The report shall include the following:

(1) An analysis of telecommunications competition by the local exchange company or competing local provider, including access line gain or loss and the impact on consumer choices from enactment of the Consumer Choice and Investment Act of 2009.

(2) An analysis of service quality based on customer satisfaction studies from enactment of the Consumer Choice and Investment Act of 2009.

(3) An analysis of the level of local exchange rates from enactment of the Consumer Choice and Investment Act of 2009."

SECTION 2.13. G.S. 62-133.8(j) reads as rewritten:

"(j) Report. – No later than October 1 of each year, the Commission shall submit a report on the activities taken by the Commission to implement, and by electric power suppliers to comply with, the requirements of this section to the Governor, the Environmental Review Commission, and the Joint Legislative ~~Utility Review Committee.~~Commission on Governmental Operations. The report shall include any public comments received regarding direct, secondary, and cumulative environmental impacts of the implementation of the requirements of this section. In developing the report, the Commission shall consult with the Department of Environment and Natural Resources."

SECTION 2.14. G.S. 62-133.9(i) reads as rewritten:

"(i) The Commission shall submit to the Governor and to the Joint Legislative ~~Utility Review Committee~~ Commission on Governmental Operations a summary of the proceedings conducted pursuant to this section during the preceding two fiscal years on or before September 1 of odd-numbered years."

SECTION 2.15. G.S. 62-158(d) reads as rewritten:

"(d) The Commission, after hearing, may adopt rules to implement this section, including rules for the establishment of expansion funds, for the use of such funds, for the remittance to the expansion fund or to customers of supplier and transporter refunds and expansion surcharges or other funds that were sources of the expansion fund, and for appropriate accounting, reporting and ratemaking treatment. The Commission and Public Staff shall report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations on the operation of any expansion funds in conjunction with the reports required under G.S. 62-36A."

SECTION 2.16. G.S. 62-159(d) reads as rewritten:

"(d) The Commission, after hearing, shall adopt rules to implement this section as soon as practicable. The Commission and Public Staff shall report to the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations on the use of funding provided under this section in conjunction with the reports required under G.S. 62-36A."

SECTION 2.17. G.S. 62A-44(c) reads as rewritten:

"(c) Report. – In February of each odd-numbered year, the 911 Board must report to the Joint Legislative Commission on Governmental ~~Operations,~~Operations and the Revenue Laws Study ~~Committee, and the Joint Legislative Utility Review~~ Committee. The report must contain complete information regarding receipts and expenditures of all funds received by the 911 Board during the period covered by the report, the status of the 911 system in North Carolina at the time of the report, and the results of any investigations by the Board of PSAPs that have been completed during the period covered by the report."

SECTION 2.18. G.S. 62A-46(a)(2) reads as rewritten:

"(2) Reports. – The Board must report to the Joint Legislative Commission on Governmental ~~Operations,~~Operations and the Revenue Laws Study ~~Committee, and the Joint Legislative Utility Review~~ Committee within 45 days of a change in the funding formula. The report must contain a description of the differences in the old and new formulas and the projected distributions to each PSAP from the new formula."

SECTION 2.19. G.S. 93B-2(a) reads as rewritten:

"(a) No later than October 31 of each year, each occupational licensing board shall file with the Secretary of State, the Attorney General, and the Joint ~~Legislative Administrative Procedure Oversight~~ Regulatory Reform Committee an annual report containing all of the following information:

(1) The address of the board, and the names of its members and officers.
(2) The number of persons who applied to the board for examination.
(3) The number who were refused examination.
(4) The number who took the examination.
(5) The number to whom initial licenses were issued.

(6) The number who applied for license by reciprocity or comity.
(7) The number who were granted licenses by reciprocity or comity.
(7a) The number of official complaints received involving licensed and unlicensed activities.
(7b) The number of disciplinary actions taken against licensees, or other actions taken against nonlicensees, including injunctive relief.
(8) The number of licenses suspended or revoked.
(9) The number of licenses terminated for any reason other than failure to pay the required renewal fee.
(10) The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the occupational licensing board.
(11) The substance of any anticipated change in rules adopted by the occupational licensing board or the substance of any anticipated adoption of new rules by the occupational licensing board."

SECTION 2.20. G.S. 93B-2(b) reads as rewritten:

"(b) No later than October 31 of each year, each occupational licensing board shall file with the Secretary of State, the Attorney General, the Office of State Budget and Management, and the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee a financial report that includes the source and amount of all funds credited to the occupational licensing board and the purpose and amount of all funds disbursed by the occupational licensing board during the previous fiscal year."

SECTION 2.21. G.S. 95-25.23C(c) reads as rewritten:

"(c) Report. – No later than February 1 of each year, the Commissioner shall submit a written report to the General Assembly, the ~~Legislative Study Commission on Children and Youth,~~Joint Legislative Education Oversight Committee, and the Fiscal Research Division of the General Assembly on the Department of Labor's investigative, inspection, and enforcement activities under the Wage and Hour Act pertaining to youth employment. Each report submitted pursuant to this subsection shall contain data and information about the calendar year preceding the date on which the last written report was submitted. The report shall include at least all of the following:

(1) All activities the Department of Labor has sponsored or participated in for the purpose of educating employers about their responsibilities under the Wage and Hour Act.
(2) The total number of complaints received by the Department of Labor alleging youth employment violations under the Wage and Hour Act, or any regulations issued under the Wage and Hour Act, or both.
(3) The specific types of youth employment violations alleged and the ages of the youths referenced in the complaints received by the Department of Labor.
(4) The total number of investigations conducted by the Department of Labor concerning alleged youth employment violations, the length of the investigations, and the number of investigators assigned to conduct the investigations. For purposes of this subdivision, the Commissioner shall provide a separate analysis of (i) investigations initiated by the Department in response to a complaint, (ii) investigations initiated by the Department in the absence of a complaint, and (iii) alleged record-keeping violations pertaining to youth employment.
(5) The total number of administrative proceedings involving youth employment violations.

(6) The total number and identity of employers cited for youth employment violations and the industries or occupations that received the greatest and the least number of complaints alleging youth employment violations.

(7) The total number and dollar amount of civil penalties assessed pursuant to G.S. 95-25.23 and the total number and dollar amount of civil penalties actually collected pursuant to that section. For purposes of this subdivision, the Commissioner shall provide a detailed, itemized list of each civil penalty represented in the total number and dollar amounts reported pursuant to this subdivision and indicate whether each civil penalty is the result of a complaint.

(8) The total number and dollar amount of civil penalties assessed pursuant to G.S. 95-25.23A and the total number and dollar amount of civil penalties actually collected pursuant to that section. For purposes of this subdivision, the Commissioner shall provide a detailed, itemized list of each civil penalty represented in the total number and dollar amounts reported pursuant to this subdivision and indicate whether each civil penalty is the result of a complaint.

(9) An explanation of any obstacles that prevented the Department of Labor from enforcing any provision of the Wage and Hour Act as it pertains to youth employment, any recommended changes to the Wage and Hour Act to strengthen the Department of Labor's oversight and enforcement of youth employment laws and regulations in this State, and any other information related to the Department of Labor's enhanced enforcement of the State's youth employment laws and regulations.

(10) Recommendations about the funding needed by the Department to (i) eliminate any identified obstacles to enforcement of youth employment laws and regulations and (ii) effectively implement any recommended changes."

SECTION 2.22. G.S. 108A-55(c) reads as rewritten:

"(c) The Department shall reimburse providers of services, equipment, or supplies under the Medical Assistance Program in the following amounts:

(1) The amount approved by the Health Care Financing Administration of the United States Department of Health and Human Services, if that Administration approves an exact reimbursement amount;

(2) The amount determined by application of a method approved by the Health Care Financing Administration of the United States Department of Health and Human Services, if that Administration approves the method by which a reimbursement amount is determined, and not the exact amount.

The Department shall establish the methods by which reimbursement amounts are determined in accordance with Chapter 150B of the General Statutes. A change in a reimbursement amount becomes effective as of the date for which the change is approved by the Health Care Financing Administration of the United States Department of Health and Human Services. The Department shall report to the Fiscal Research Division of the Legislative Services Office and to the Senate Appropriations Committee on Human Resources and the House of Representatives Appropriations Subcommittee on Human Resources or the Joint Legislative ~~Commission on Health Care~~ Oversight Committee on Health and Human Services on any change in a reimbursement amount at the same time as it sends out public notice of this change prior to presentation to the Health Care Financing Administration."

SECTION 2.23. G.S. 108A-70.25 reads as rewritten:

"**§ 108A-70.25. State Plan for Health Insurance Program for Children.**

The Department shall develop and submit a State Plan to implement "The Health Insurance Program for Children" authorized under this Part to the federal government as application for

federal funds under Title XXI. The State Plan submitted under this Part shall be developed by the Department only as authorized by and in accordance with this Part. No provision in the State Plan submitted under this Part may expand or otherwise alter the scope or purpose of the Program from that authorized under this Part. The Department shall include in the State Plan submitted only those items required by this Part and required by the federal government to qualify for federal funds under Title XXI and necessary to secure the State's federal fund allotment for the applicable fiscal period. Except as otherwise provided in this section, the Department shall not amend the State Plan nor submit any amendments thereto to the federal government for review or approval without the specific approval of the General Assembly. In the event federal law requires that an amendment be made to the State Plan and further requires that the amendment be submitted or implemented within a time period when the General Assembly is not and will not be in session to approve the amendment, then the Department may submit the amendment to the federal government for review and approval without the approval of the General Assembly. Prior to submitting an amendment to the federal government without General Assembly approval as authorized in this section, the Department shall report the proposed amendment to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services and to members of the Joint Appropriations Subcommittee on Health and Human Services. The report shall include an explanation of the amendment, the necessity therefor, and the federal time limits required for implementation of the amendment."

SECTION 2.24. G.S. 108A-70.27(b) reads as rewritten:

"(b) The Department shall report annually to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services and shall provide a copy of the report to the Joint Appropriations Subcommittees on Health and Human Services. The report shall include:

(1) Data collected as required under subsection (a) of this section and an analysis thereof giving trends and projections for continued Program funding;

(2) Program areas working most effectively and least effectively;

(3) Performance measures used to ensure Program quality, fiscal integrity, ease of access, and appropriate utilization of preventive and medical care;

(4) Effectiveness of system linkages in addressing access, quality of care, and Program efficiency;

(5) Recommended changes in the Program necessary to improve Program efficiency and effectiveness;

(6) Any other information requested by the Committee pertinent to the provision of health insurance for children and the implementation of the Program."

SECTION 2.25. G.S. 108A-70.27(c) reads as rewritten:

"(c) The Executive Administrator and Board of Trustees of the North Carolina Teachers' and State Employees' Major Medical Plan ("Plan") shall provide to the Department data required under this section that are collected by the Plan. Data shall be reported by the Plan in sufficient detail to meet federal reporting requirements under Title XXI. The Plan shall report periodically to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services claims processing data for the Program and any other information the Plan or the Committee deems appropriate and relevant to assist the Committee in its review of the Program."

SECTION 2.26. G.S. 113-175.6 reads as rewritten:

"**§ 113-175.6. Report.**

The Chair of the Marine Fisheries Commission and the Chair of the Wildlife Resources Commission shall jointly submit to the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations by October 1 of each year a report on the Marine Resources Fund and the Endowment Fund that shall include the source and amounts of all

moneys credited to each fund and the purpose and amount of all disbursements from each fund during the prior fiscal year."

SECTION 2.27. G.S. 113-182.1(c1) reads as rewritten:

"(c1) The Department shall consult with the regional advisory committees established pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan. Before submission of a plan for review by the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations, the Department shall review any comment or recommendation regarding the plan that a regional advisory committee submits to the Department within the time limits established in the Schedule for the development and adoption of Fishery Management Plans established by G.S. 143B-289.52. Before the Commission adopts a management measure to implement a plan, the Commission shall review any comment or recommendation regarding the management measure that a regional advisory committee submits to the Commission."

SECTION 2.28. G.S. 113-182.1(e) reads as rewritten:

"(e) The Secretary of Environment and Natural Resources shall monitor progress in the development and adoption of Fishery Management Plans in relation to the Schedule for development and adoption of the plans established by the Marine Fisheries Commission. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations on progress in developing and implementing the Fishery Management Plans on or before 1 September of each year. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture within 30 days of the completion or substantial revision of each proposed Fishery Management Plan. The Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations shall review each proposed Fishery Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary. The Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations may submit comments and recommendations on the proposed Plan to the Secretary within 30 days of the date the proposed Plan is submitted by the Secretary."

SECTION 2.29. G.S. 113-200(i) reads as rewritten:

"(i) Report on Grant Program. – The Sea Grant College Program shall report on the Fishery Resource Grant Program to the Marine Fisheries Commission and the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations no later than January 1 of each year."

SECTION 2.30. G.S. 120-70.33(8) reads as rewritten:

"(8) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, or the Environmental Review Commission, ~~or the Joint Legislative Utility Review Committee,~~ and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate."

SECTION 2.31. G.S. 120-70.43(a)(7) reads as rewritten:

"(7) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, or the Joint Legislative Commission on Governmental ~~Operations, the Joint Legislative Utility Review Committee, or the Joint Select Committee on Low-Level Radioactive Waste~~Operations and to make such reports and recommendations to the General Assembly regarding such studies as it

deems appropriate; provided that the Environmental Review Commission shall not undertake any study which the General Assembly has assigned to another legislative commission or committee."

SECTION 2.32. G.S. 120-163 reads as rewritten:

"**§ 120-163. Petition.**

(a) The process of seeking the recommendation of the ~~Commission~~ Municipal Incorporations Subcommittee is commenced by filing with the ~~Commission~~ Municipal Incorporations Subcommittee a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

...

(d) The petitioners must present to the ~~Commission~~ Municipal Incorporations Subcommittee the verified petition from the county board of elections.

(e) A petition must be submitted to the ~~Commission~~ Municipal Incorporations Subcommittee at least 60 days prior to convening of the next regular session of the General Assembly in order for the ~~Commission~~ Municipal Incorporations Subcommittee to make a recommendation to that session."

SECTION 2.33. G.S. 120-164 reads as rewritten:

"**§ 120-164. Notification.**

(a) Not later than five days before submitting the petition to the ~~Commission,~~ Municipal Incorporations Subcommittee, the petitioners shall notify:

(1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;

(2) All cities within that county or counties; and

(3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the ~~Commission.~~ Municipal Incorporations Subcommittee.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the ~~Commission,~~ Municipal Incorporations Subcommittee notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the ~~Commission.~~ Municipal Incorporations Subcommittee."

SECTION 2.34. G.S. 120-165 reads as rewritten:

"**§ 120-165. Initial inquiry.**

(a) The ~~Commission~~ Municipal Incorporations Subcommittee shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The ~~Commission~~ Municipal Incorporations Subcommittee shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part."

SECTION 2.35. G.S. 120-166 reads as rewritten:

"**§ 120-166. Additional criteria; nearness to another municipality.**

(a) The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated

since the return of that census. For purposes of this section, "municipality" means a city as defined by G.S. 160A-1(2) or a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

(1) The proposed municipality is entirely on an island that the nearby city is not on;

(2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the ~~Commission~~ Municipal Incorporations Subcommittee shall adopt policies to implement this subdivision;

(3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or

(4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the ~~Commission~~ Municipal Incorporations Subcommittee but the annexation petition was not approved."

SECTION 2.36. G.S. 120-168 reads as rewritten:

"**§ 120-168. Additional criteria; development.**

The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants."

SECTION 2.37. G.S. 120-169 reads as rewritten:

"**§ 120-169. Additional criteria; area unincorporated.**

The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1), or if any of the proposed municipality is included within the boundary of a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes."

SECTION 2.38. G.S. 120-169.1 reads as rewritten:

"**§ 120-169.1. Additional criteria; level of development, services; financial impact on other local governments.**

(a) Repealed by Session Laws 1999-458, s. 4.

(b) Services. – The ~~Commission~~ Municipal Incorporations Subcommittee may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. This plan shall be based on the proposed services stated in the petition under G.S. 120-163(c).

(c) The ~~Commission~~ Municipal Incorporations Subcommittee in its report shall indicate the impact on other municipalities and counties of diversion of already levied local taxes or State-shared revenues from existing local governments to support services in the proposed municipality."

SECTION 2.39. G.S. 120-221(c) reads as rewritten:

"(c) The Task Force shall report at least annually to the Commission or more frequently at the request of the cochairs of the Commission, and shall also report on April 1 of each year to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, the Joint

Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services, and the Fiscal Research Division."

SECTION 2.40. G.S. 122C-5 reads as rewritten:

"**§ 122C-5. Report on restraint and seclusion.**

The Secretary shall report annually on October 1 to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services on the following for the immediately preceding fiscal year:

(1) The level of compliance of each facility with applicable State and federal laws, rules, and regulations governing the use of restraints and seclusion. The information shall indicate areas of highest and lowest levels of compliance.

(2) The total number of facilities that reported deaths under G.S. 122C-31, the number of deaths reported by each facility, the number of deaths investigated pursuant to G.S. 122C-31, and the number found by the investigation to be related to the use of restraint or seclusion."

SECTION 2.41. G.S. 122C-13(11) reads as rewritten:

"(11) Submit a report annually to the Secretary, the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services, and the Joint Legislative Health Care Oversight Committee containing data and findings regarding the types of problems experienced and complaints reported by or on behalf of providers, consumers, and employees of providers, as well as recommendations to resolve identified issues and to improve the administration of MH/DD/SA facilities and the delivery of MH/DD/SA services throughout the State."

SECTION 2.42. G.S. 122C-102(c) reads as rewritten:

"(c) State Performance Measures. – The State Plan shall also include a mechanism for measuring the State's progress towards increased performance on the following matters: access to services, consumer-focused outcomes, individualized planning and supports, promotion of best practices, quality management systems, system efficiency and effectiveness, and prevention and early intervention. Beginning October 1, 2006, and every six months thereafter, the Secretary shall report to the General Assembly and the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services, on the State's progress in these performance areas."

SECTION 2.43. G.S. 122C-112.1(a)(30) reads as rewritten:

"(30) Prior to requesting approval to close a State facility under G.S. 122C-181(b):

a. Notify the Joint Legislative Commission on Governmental Operations, the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services, and members of the General Assembly who represent catchment areas affected by the closure; and

b. Present a plan for the closure to the members of the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Senate Appropriations Committee on Health and Human Services for their review, advice, and recommendations. The plan shall address specifically how patients will be cared for after closure, how support services to community-based agencies and outreach services will be continued, and the impact on remaining State facilities. In implementing the plan, the Secretary shall take into

consideration the comments and recommendations of the committees to which the plan is presented under this subdivision."

SECTION 2.44. G.S. 122C-112.1(a)(35) reads as rewritten:

"(35) Develop and adopt rules governing a statewide data system containing waiting list information obtained annually from each LME as required under G.S. 122C-115.4(b)(8). The rules adopted shall establish standardized criteria to be used by LMEs to ensure that the waiting list data are consistent across LMEs. The Department shall use data collected from LMEs under G.S. 122C-115.4(b)(8) for statewide planning and needs projections. The creation of the statewide waiting list data system does not create an entitlement to services for individuals on the waiting list. The Department shall report annually to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~ Health and Human Services its recommendations based on data obtained annually from each LME. The report shall indicate the services that are most needed throughout the State, plans to address unmet needs, and any cost projections for providing needed services."

SECTION 2.45. G.S. 122C-115.4(e) reads as rewritten:

"(e) Notwithstanding subsection (d) of this section, in the case of serious financial mismanagement or serious regulatory noncompliance, the Secretary may temporarily remove an LME function after consultation with the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services."

SECTION 2.46. G.S. 130A-40.1(b) reads as rewritten:

"(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. The Secretary of Health and Human Services shall report any approval under this section to the ~~Public Health Study Commission.~~Joint Legislative Oversight Committee on Health and Human Services."

SECTION 2.47. G.S. 131D-2.13(e) reads as rewritten:

"(e) Report on Use of Restraint. – The Department shall report annually on October 1 to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services the following for the immediately preceding fiscal year:

(1) The level of compliance of each adult care home with applicable State law and rules governing the use of physical restraint and physical hold of residents. The information shall indicate areas of highest and lowest levels of compliance.

(2) The total number of adult care homes that reported deaths under G.S. 131D-34.1, the number of deaths reported by each facility, the number of deaths investigated pursuant to G.S. 131D-34.1, and the number found by the investigation to be related to the adult care home's use of physical restraint or physical hold."

SECTION 2.48. G.S. 131D-10.6(10) reads as rewritten:

"(10) Report annually on October 1 to the Joint Legislative Oversight Committee on ~~Mental Health, Developmental Disabilities, and Substance Abuse~~Health and Human Services the level of facility compliance with applicable State law governing the use of restraint and time-out in residential child-care facilities. The report shall also include the total number of facilities that reported deaths under this section, the number of deaths reported by each facility, the number of deaths investigated pursuant to this section, and the number found by the investigation to be related to the use of physical restraint or time-out."

SECTION 2.49. G.S. 131E-314 reads as rewritten:

"**§ 131E-314. Division Reporting.**

The Division of Medical Assistance of the Department of Health and Human Services shall report quarterly to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and

Human Services on its regulatory activities in the enforcement of this ~~act~~ Article and shall provide the Committee with a summary of nonconfidential information on the financial plans and operations of PSOs. The report to the Committee shall include a description and explanation of any regulations or regulatory interpretations that differ from Department of Insurance regulations applicable to HMOs. The report shall also include PSO efforts to improve community health status. The Division shall develop processes or methods to measure improvements in health outcomes for Medicare beneficiaries served by managed care organizations and shall report quarterly to the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services on the development of these standards."

SECTION 2.50. G.S. 143-318.14A(a) reads as rewritten:

"(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly:

(1) The Legislative Research Commission;
(2) The Legislative Services Commission;
(3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter;
~~(4) The Joint Legislative Utility Review Committee;~~
(5) The Joint Legislative Commission on Governmental Operations;
(6) The Joint Legislative Commission on ~~Municipal Incorporations;~~Local Government;
(7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
~~(8) The Joint Select Committee on Low-Level Radioactive Waste;~~
(9) The Environmental Review Commission;
(10) The Joint Legislative Transportation Oversight Committee;
(11) The Joint Legislative Education Oversight Committee;
~~(12) The Joint Legislative Commission on Future Strategies for North Carolina;~~
(13) The Commission on Children with Special Needs;
~~(14) The Legislative Committee on New Licensing Boards;~~
(15) The Agriculture and Forestry Awareness Study Commission; and
~~(16) The North Carolina Study Commission on Aging; and~~
(17) The standing Committees on Pensions and Retirement."

SECTION 2.51. G.S. 143B-273.8(b) reads as rewritten:

"(b) The Department of Correction shall report by February 1 of each year to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety on the status of the Criminal Justice Partnership Program. The report shall include the following information:".

SECTION 2.52. G.S. 143B-279.8(e) reads as rewritten:

"(e) The Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall report to the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations and the Environmental Review Commission on progress in developing and implementing the Coastal Habitat Protection Plans, including the extent to which the actions of the three commissions are consistent with the Plans, on or before 1 September of each year."

SECTION 2.53. G.S. 143B-279.8(f) reads as rewritten:

"(f) The Secretary of Environment and Natural Resources shall report to the Environmental Review Commission and the Joint Legislative Commission on Seafood and

Aquaculture within 30 days of the completion or substantial revision of each draft Coastal Habitat Protection Plan. The Environmental Review Commission and the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations shall concurrently review each draft Coastal Habitat Protection Plan within 30 days of the date the draft Plan is submitted by the Secretary. The Environmental Review Commission and the Joint Legislative Commission on ~~Seafood and Aquaculture~~Governmental Operations may submit comments and recommendations on the draft Plan to the Secretary within 30 days of the date the draft Plan is submitted by the Secretary."

SECTION 2.54. G.S. 147-16(b) reads as rewritten:

"(b) The Governor shall, unless otherwise requested by any person listed in subdivisions (1) through (4) of this subsection, provide notice of the commutation of any sentence within 20 days after the commutation by first-class mail to the following at the last known address:

(1) The victim or victims of the crime for which the sentence was imposed;

(2) The victims' spouse, children, and parents;

(3) Any other members of the victims' family who request in writing to be notified; and

(4) The Chairs of the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety."

SECTION 2.55. G.S. 147-86.35(a) reads as rewritten:

"(a) The chair of the Commission shall report each year by November 1 to the Joint Legislative Commission on Governmental Operations and to the chairs of the Joint Legislative ~~Health Care~~ Oversight Committee on Health and Human Services regarding implementation of this Article, including a report on funds disbursed during the fiscal year by amount, purpose, and category of recipient, and other information as requested by the Joint Legislative Commission on Governmental Operations. The annual report shall also include a summary of each recipient's annual report submitted to the Health and Wellness Trust Fund Commission pursuant to G.S. 147-86.31(b) and an analysis of progress toward the goals and objectives of any comprehensive, community-based plan established pursuant to G.S. 147-86.30(e)(3). A written copy of the annual report shall also be sent to the Legislative Library by November 1 each year. Written reports shall also be sent on a quarterly basis to the Joint Legislative Commission on Governmental Operations."

SECTION 2.56. G.S. 148-37(c) reads as rewritten:

"(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity or any private nonprofit or for-profit firms for the confinement and care of State prisoners in any out-of-state correctional facility when to do so would most economically and effectively promote the purposes served by the Department of Correction. Contracts entered into under the authority of this subsection shall be for a period not to exceed two years and shall be renewable from time to time for a period not to exceed two years. Prisoners may be sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection shall be approved by the Department of Administration before the contract is executed. Before expending more than the amount specifically appropriated by the General Assembly for the out-of-state housing of inmates, the Department shall obtain the approval of the Joint Legislative Commission on Governmental Operations and shall report such expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety."

SECTION 2.57. G.S. 148-37(g) reads as rewritten:

"(g) The Secretary of Correction may contract with private for-profit or nonprofit firms for the provision and operation of four or more confinement facilities totaling up to 2,000 beds in the State to house State prisoners when to do so would most economically and effectively promote the purposes served by the Department of Correction. This 2,000-bed limitation shall not apply to the 500 beds in private substance abuse treatment centers authorized by the General Assembly prior to July 1, 1995. Whenever the Department of Correction determines that new prison facilities are required in addition to existing and planned facilities, the Department may contract for any remaining beds authorized by this section before constructing State-operated facilities.

Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years. The Secretary of Correction shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly. Contracts entered under the authority of this subsection may be subject to any requirements for the location of the confinement facilities set forth by the General Assembly in appropriating those funds.

Once the Department has made a determination to contract for additional private prison beds, it shall issue a request for proposals within 30 days of the decision. The request for proposals shall require bids to be submitted within two months, and the Department shall award contracts at the earliest practicable date after the submission of bids. The Secretary of Correction, in consultation with the Chairs of the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice~~ Oversight Committee on Justice and Public Safety and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection may provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. Contracts made under the authority of this subsection shall state that plans and specifications for private confinement facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State. All contracts for the housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of Correction may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by a private confinement facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure

the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction."

SECTION 2.58. G.S. 148-37(i) reads as rewritten:

"(i) The Department of Correction shall make a written report no later than March 1 of every odd-numbered year, beginning in 1997, on the substance of all outstanding contracts for the housing of State prisoners entered into under the authority of this section. The report shall be submitted to the Council of State, the Department of Administration, the Joint Legislative Commission on Governmental Operations, and the Joint Legislative ~~Corrections, Crime Control, and Juvenile Justice Oversight Committee.~~Oversight Committee on Justice and Public Safety. In addition to the report, the Department of Correction shall provide information on contracts for the housing of State prisoners as requested by these groups."

SECTION 2.59. G.S. 150B-21.11 reads as rewritten:

"**§ 150B-21.11. Procedure when Commission approves permanent rule.**

When the Commission approves a permanent rule, it must notify the agency that adopted the rule of the Commission's approval, deliver the approved rule to the Codifier of Rules, and include the text of the approved rule and a summary of the rule in its next report to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee.

If the approved rule will increase or decrease expenditures or revenues of a unit of local government, the Commission must also notify the Governor of the Commission's approval of the rule and deliver a copy of the approved rule to the Governor by the end of the month in which the Commission approved the rule."

SECTION 2.60. G.S. 150B-21.12(d) reads as rewritten:

"(d) Return of Rule. – A rule to which the Commission has objected remains under review by the Commission until the agency that adopted the rule decides not to satisfy the Commission's objection and makes a written request to the Commission to return the rule to the agency. When the Commission returns a rule to which it has objected, it must notify the Codifier of Rules of its action and must send a copy of the record of the Commission's review of the rule to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee in its next report to that Committee. If the rule that is returned would have increased or decreased expenditures or revenues of a unit of local government, the Commission must also notify the Governor of its action and must send a copy of the record of the Commission's review of the rule to the Governor. The record of review consists of the rule, the Commission's letter of objection to the rule, the agency's written response to the Commission's letter, and any other relevant documents before the Commission when it decided to object to the rule."

SECTION 2.61. G.S. 150B-21.16 reads as rewritten:

"**§ 150B-21.16. Report to Joint ~~Legislative Administrative Procedure Oversight Committee.~~Regulatory Reform Committee.**

The Commission must make monthly reports to the Joint ~~Legislative Administrative Procedure Oversight~~ Regulatory Reform Committee. The reports are due by the last day of the month. A report must include the rules approved by the Commission at its meeting held in the month in which the report is due and the rules the Commission returned to agencies during that month after the Commission objected to the rule. A report must include any other information requested by the Joint Legislative Administrative Procedure Oversight Committee. When the Commission sends a report to the Joint ~~Legislative Administrative Procedure Oversight~~Regulatory Reform Committee, the Commission must send a copy of the report to the Codifier of Rules."

SECTION 2.62. G.S. 159B-30.1 reads as rewritten:

"**§ 159B-30.1. Additional reports.**

Beginning March 1, 1996, and annually thereafter, each joint agency operating under the authority of Chapter 159B of the General Statutes shall file a report with the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations describing the activities of

the joint agency carried out pursuant to the authority granted by G.S. 159B-2, 159B-11(19b), 159B-12 and 159B-17(c). The report shall cover the preceding calendar year. Each joint agency shall file such additional reports as the Joint Legislative ~~Utility Review Committee~~Commission on Governmental Operations shall request."

PART III. EFFECTIVE DATE

SECTION 3. Unless otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 833
PROPOSED COMMITTEE SUBSTITUTE H833-PCS30289-LB-33

Sponsors:

Referred to:

April 7, 2011

A HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE STATE CAPITOL.

Whereas, the North Carolina State Capitol, completed in 1840, is one of the finest and best preserved examples of a major civic building in the Greek Revival style of architecture and is a National Historic Landmark; and

Whereas, David Paton, a Scottish-born architect who had worked for noted English architect John Sloan, was hired in September 1834 to superintend construction of the Capitol, and the Capitol was built under Paton's supervision; and

Whereas, on the grounds of the Capitol, there are monuments paying tribute to those heroic men and women who contributed to the State's growth and prosperity; and

Whereas, until 1888, the Capitol used to house all three branches of the State's government; and

Whereas, since 1963, the General Assembly has only met at the Capitol for special occasions, including the 160th anniversary of the Capitol in 2000; and

Whereas, on the observance of the 235th anniversary of the Halifax Resolves, it is fitting that this legislative body gather in the Capitol to reflect upon this and other significant events in the State's history; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives recognizes the importance of the Capitol as a symbol of our history and republic and encourages the citizens of this State to visit and learn more about our State Capitol.

SECTION 2. This resolution is effective upon adoption.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 833 A HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE STATE CAPITOL.

☒ With recommendation that the committee substitute resolution be adopted, unfavorable as to original resolution.

(FOR JOURNAL USE ONLY)

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

_____ Pursuant to Rule 36(b), the committee substitute bill/resolution is placed on the Calendar of _____. The original resolution is placed on the Unfavorable Calendar.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 748 A HOUSE RESOLUTION ENCOURAGING THE CITIZENS OF THIS STATE TO RECOGNIZE EACH APRIL AS ORGAN DONATION MONTH.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 653 A HOUSE RESOLUTION OBSERVING THE TWO HUNDRED THIRTY-FIFTH ANNIVERSARY OF THE HALIFAX RESOLVES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 595 A BILL TO BE ENTITLED AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
April 13, 2011

The Committee on Rules, Calendar and Operations of the House met on April 13, 2011 at 4:15 pm in Room 544 of the Legislative Office Building. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representative Owens Vice Chair, Representative. Rhyne Vice Chair, Representatives, Faison, Farmer-Butterfield, Folwell, Gillespie, Hackney, Luebke, McComas, Stam, and Stone.

Rep. Stephen LaRoque presided and recognized the Sergeant-at-Arms and Pages.

The Following Bills were considered:

S-275 Official Herring Festival. (Senator Jenkins, Primary Sponsor) Representative McLawhorn was recognized to explain the bill. Representative Moore motioned for a PCS to be before the committee. Representative Stone motioned for a favorable report as the PCS and unfavorable to the original bill. Vote was called. Bill was pasted.

HR-525 Hoke County's 100th Anniversary. (Representative Pierce, Representative Pridgen, Primary Sponsor) Representative Moore motioned for the bill to be adopted. Vote was called. Bill was adopted.

HR-526 Honor Wagram's 100th Anniversary. (Representative Pierce, Primary Sponsor) Representative Moore motioned for the bill to be adopted. Vote was called. Bill was adopted..

S-464 Debt Reduction Act of 2011. (Senators Hunt, Brunstetter, and Stevens, Primary Sponsors) Representative Stevens was recognized to explain the bill. Discussion and debate on the bill. Representative Moore motioned for a Favorable report. Vote was called. Bill was passed.

Chair LaRoque adjourned at 4:45 pm.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

Corrected Notice REMOVE HB-845

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 13, 2011
TIME: 15 Min Atfer Session
LOCATION: 544 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 525	Hoke County's 100th Anniversary.	Representative Pierce Representative Pridgen
HR 526	Honor Wagram's 100th Anniversary.	Representative Pierce
SB 275	Official Herring Festival.	Senator Jenkins

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3 PM** o'clock on **April 13, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice Added S-275

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 13, 2011
TIME: 15 Min After Session
LOCATION: 544 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 525	Hoke County's 100th Anniversary.	Representative Pierce Representative Pridgen
HR 526	Honor Wagram's 100th Anniversary.	Representative Pierce
HB 845	Reform Annexation Laws.	Representative LaRoque Representative Dollar Representative Owens, Jr.
SB 275	Official Herring Festival.	Senator Jenkins

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **April 13, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice Corrected Room 544 LOB

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 13, 2011
TIME: 15 Min After Session
LOCATION: 544 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 286	Official Herring Festival.	Representative Warren
HR 525	Hoke County's 100th Anniversary.	Representative Pierce Representative Pridgen
HR 526	Honor Wagram's 100th Anniversary.	Representative Pierce
HB 845	Reform Annexation Laws.	Representative LaRoque Representative Dollar Representative Owens, Jr.

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **April 13, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice Room Change to 643 LOB

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 13, 2011
TIME: 15 Min After Session
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 286	Official Herring Festival.	Representative Warren
HR 525	Hoke County's 100th Anniversary.	Representative Pierce Representative Pridgen
HR 526	Honor Wagram's 100th Anniversary.	Representative Pierce
HB 845	Reform Annexation Laws.	Representative LaRoque Representative Dollar Representative Owens, Jr.

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **April 13, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 13, 2011
TIME: 15 Minutes after Session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 286	Official Herring Festival.	Representative Warren
HR 525	Hoke County's 100th Anniversary.	Representative Pierce Representative Pridgen
HR 526	Honor Wagram's 100th Anniversary.	Representative Pierce
HB 845	Reform Annexation Laws.	Representative LaRoque Representative Dollar Representative Owens, Jr.

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **April 12, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

HOUSE RESOLUTION 526

Sponsors:	Representative Pierce (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

March 31, 2011

A HOUSE RESOLUTION HONORING THE TOWN OF WAGRAM ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Whereas, the Scotland County Town of Wagram was incorporated by the General Assembly on February 27, 1911; and

Whereas, the Town of Wagram, originally known as Montpelier and then as Fontcal, was named by brothers and lumbermen James Williams and William Williams, who settled in the area during the period of the American Revolution; and

Whereas, W.G. Buie, S.J. Womble, and E.C. Smith served as the first Town commissioners and J.R. Bundy served as the first Town mayor; and

Whereas, the Town of Wagram's progress has led to the creation of essential organizations and services that have improved the quality of life for the Town's citizens; and

Whereas, the Town of Wagram is the home of the Chalk Banks State Park, one of North Carolina's Top 10 Natural Wonders, and the Lumber River, the only blackwater river in North Carolina designated as a National Wild and Scenic River; and

Whereas, in preparation of the Town's centennial, the citizens of Wagram have been working together to plan activities that recognize key moments and people throughout the Town's history; and

Whereas, the Town of Wagram's centennial is worthy of celebration and should be enjoyed and supported by all North Carolinians; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the founders of the Town of Wagram.

SECTION 2. The House of Representatives congratulates the Town of Wagram on its 100th anniversary and encourages the people of this State to participate in activities commemorating this special occasion.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the Mayor of the Town of Wagram.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 275*

Short Title:	Official Herring Festival.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	State and Local Government.	

March 10, 2011

A BILL TO BE ENTITLED

AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, since 1949 the Town of Jamesville in Martin County has held an annual Herring Festival each spring; and

Whereas, the Herring Festival is a vital fundraiser for the Town of Jamesville, Jamesville Fire Department, Jamesville Rescue Department, Jamesville Ruritan Club, and many local businesses and residents; and

Whereas, the Herring Festival serves as a celebration of the heritage that was once an important way of life in the area; and

Whereas, the Herring Festival offers visitors many family-oriented activities, such as a parade, arts and crafts, rides, games, live music, and local foods and traditions; and

Whereas, each year, citizens in the area demonstrate their community pride by volunteering to make the festival a success; 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:

"**§ 145-33. State herring festival.**

The Herring Festival held in the Town of Jamesville is adopted as the official herring festival of the State of North Carolina."

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

HOUSE RESOLUTION 525

Sponsors:	Representatives Pierce and Pridgen (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

March 31, 2011

A HOUSE RESOLUTION HONORING HOKE COUNTY'S ONE HUNDREDTH ANNIVERSARY.

Whereas, Hoke County was formed from Cumberland and Robeson Counties by an act of the General Assembly on February 17, 1911; and

Whereas, Hoke County was named in honor of Robert F. Hoke, a major general in the Confederate Army, who was a native of Lincolnton, North Carolina, and later served as a railroad president in Raleigh, North Carolina; and

Whereas, the first officers of Hoke County included Jeptha Peele and W.T. Covington, as county commissioners; and

Whereas, the Town of Raeford, Hoke County's seat of government, was named for the Town's founders, J.A. MacRae and A.A. Williford; and

Whereas, the citizens of Hoke County have made significant contributions to the social, cultural, political, and economic prosperity of the State of North Carolina; and

Whereas, plans have been made to celebrate Hoke County's 100th anniversary from April 1 through April 16, 2011, and during other times throughout the year; and

Whereas, this occasion is worthy of celebration and should be enjoyed and supported by all North Carolinians; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the early settlers of Hoke County for their contributions to North Carolina.

SECTION 2. The House of Representatives congratulates Hoke County on its 100th anniversary and encourages the people of this State to join the citizens of Hoke County in celebrating this historic occasion.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the Chair of the Hoke County Board of Commissioners.

SECTION 4. This resolution is effective upon adoption.

SENATE BILL 464

Short Title:	Debt Reduction Act of 2011.	(Public)
Sponsors:	Senators Hunt, Brunstetter, and Stevens.	
Referred to:	Finance.	

March 31, 2011

A BILL TO BE ENTITLED

AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as "The Debt Reduction Act of 2011."

SECTION 2. Section 27.8(a) of S.L. 2008-107, as amended by Section 2(a) of S.L. 2009-209, Section 27.7(b) of S.L. 2009-451, and Section 27.12 of S.L. 2009-451, reads as rewritten:

"**SECTION 27.8.(a)** The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the projects described in this subsection. In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness:

...

~~(4) In the maximum aggregate principal amount of two million four hundred thirty-eight thousand dollars ($2,438,000) to finance the capital improvement costs of acquiring land and constructing capital facilities for a horse park in Rockingham County for North Carolina Agricultural and Technical State University.~~

...

(15) In the maximum aggregate principal amount of ~~twenty-five million dollars ($25,000,000)~~ ten million dollars ($10,000,000) to finance the capital improvement costs of acquiring State land throughout The University of North Carolina System. ~~No more than a maximum aggregate amount of ten million dollars ($10,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2011.~~

...

(28) In the maximum aggregate principal amount of ~~fifty million dollars ($50,000,000)~~ ten million dollars ($10,000,000) to finance the capital improvement costs of acquiring State park lands and conservation areas for the Land for Tomorrow initiative in the Department of Environment and Natural Resources. Proceeds shall be allocated to support the conservation priorities of the One North Carolina Naturally program. ~~No more than a maximum aggregate amount of ten million dollars ($10,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2011.~~"

SECTION 3. Subsection 30.4(b), Section 30.7, and Section 30.11 of S.L. 2010-31 are repealed.

SECTION 4. Notwithstanding any other provision of law, no funds shall be encumbered, contracts entered, or debt issued or authorized to be issued on or after the effective date of this act for any of the projects or purposes deauthorized by or as a consequence of Sections 2 and 3 of this act, to the extent of the deauthorization.

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

SENATE BILL 464

Short Title:	Debt Reduction Act of 2011.	(Public)
Sponsors:	Senators Hunt, Brunstetter, and Stevens.	
Referred to:	Finance.	

March 31, 2011

A BILL TO BE ENTITLED

AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as "The Debt Reduction Act of 2011."

SECTION 2. Section 27.8(a) of S.L. 2008-107, as amended by Section 2(a) of S.L. 2009-209, Section 27.7(b) of S.L. 2009-451, and Section 27.12 of S.L. 2009-451, reads as rewritten:

"**SECTION 27.8.(a)** The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the projects described in this subsection. In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness:

...

~~(4) In the maximum aggregate principal amount of two million four hundred thirty-eight thousand dollars ($2,438,000) to finance the capital improvement costs of acquiring land and constructing capital facilities for a horse park in Rockingham County for North Carolina Agricultural and Technical State University.~~

...

(15) In the maximum aggregate principal amount of ~~twenty-five million dollars ($25,000,000)~~ ten million dollars ($10,000,000) to finance the capital improvement costs of acquiring State land throughout The University of North Carolina System. ~~No more than a maximum aggregate amount of ten million dollars ($10,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2011.~~

...

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SECTION 3. Subsection 30.4(b), Section 30.7, and Section 30.11 of S.L. 2010-31 are repealed.

SECTION 4. Notwithstanding any other provision of law, no funds shall be encumbered, contracts entered, or debt issued or authorized to be issued on or after the effective date of this act for any of the projects or purposes deauthorized by or as a consequence of Sections 2 and 3 of this act, to the extent of the deauthorization.

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

VISITOR REGISTRATION SHEET

House Rules Committee — 4/13/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Heather Barnett	Williams Mullen
Mia Bailey	ElectriCities
Cady Thomas	NCAR
Lesley Coles	UNC
CATHERINE HEATH	WAKE CO. STORMCANNEXATION
GARY SALAMIDO	GSK

VISITOR REGISTRATION SHEET

House Rules Committee — 4/13/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David McGowan	NC Realtors
R. Rogers	CWMTF
Al Baddour	

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
April 19, 2011

The Committee on Rules, Calendar and Operations of the house met on April 19, 2011 at 2:53 p.m. around the desk of Rep. Tim Moore in the Chamber of the Legislative Building. The following members were present: Representative Tim Moore, Chair, Representative Stephen LaRoque, Chair, and Representative Owens, Vice-Chair, Rep. Rhyne, Vice Chair; and Representatives Alexander, Blust, Faison, Farmer-Butterfield, Folwell, Gillepsie, Hilton, Jeffus, Luebke, Moffitt, Parmon, Stam and Stone.

Rep. Tim Moore presided and called the meeting to order.

The following bill was considered:

SB 146, State Shrimp Festival-Sneads Ferry (Senator Harry Brown, Primary Sponsor). Chair Moore recognized Rep. Lewis to speak on the proposed committee substitute. Chair Moore recognized Rep. Owens for a motion of a favorable report as to the House proposed committee substitute, which changes the title, unfavorable as to the original bill.

Meeting adjourned at 2:56 p.m.

Respectfully submitted:

Rep. Tim Moore
Chair

Nancy Garriss
Committee Clerk

Cancelled Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, April 19, 2011
TIME: 15 Minutes After Session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 845	Reform Annexation Laws.	Representative LaRoque Representative Dollar Representative Owens, Jr.

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **1 PM** o'clock on **April 19, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, April 19, 2011
TIME: 15 Minutes After Session
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COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 845	Reform Annexation Laws.	Representative LaRoque Representative Dollar Representative Owens, Jr.

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3 PM** o'clock on **April 13, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 845
PROPOSED COMMITTEE SUBSTITUTE H845-CSSTx-16 [v.2]

4/12/2011 8:10:04 PM

Short Title: Reform Annexation Laws. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO REFORM THE INVOLUNTARY ANNEXATION LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 4A of Chapter 160A of the General Statutes is repealed.

SECTION 2. Article 4A of Chapter 160A is amended by adding a new Part to read:

"Part 7.
"Annexations Initiated by Municipalities.

"**§ 160A-58.50. Declaration of policy.**

It is hereby declared as a matter of State policy:

(1) That sound urban development is essential to the continued economic development of North Carolina.

(2) That municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and welfare in areas being intensively used for residential, commercial, industrial, institutional and governmental purposes or in areas undergoing such development.

(3) That municipal boundaries should be extended in accordance with legislative standards applicable throughout the State to include such areas and to provide the high quality of governmental services needed therein for the public health, safety and welfare.

(4) That areas annexed to municipalities in accordance with such uniform legislative standards should receive the services provided by the annexing municipality.

(5) That the provision of services to protect the health, safety and welfare is a public purpose.

"**§160A-58.51. Definitions.**

The following terms in this Part shall mean:

(1) "Contiguous area" shall mean any area which, at the time annexation procedures are initiated, either abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street right-of-way, a creek or river, the right-of-way of a railroad or other public service

corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity to an outlying, noncontiguous area.

(2) "Used for residential purposes" shall mean any lot or tract five acres or less in size on which is constructed a habitable dwelling unit.

"**§160A-58.52. Authority to annex.**

The governing board of any municipality may extend the corporate limits of such municipality under the procedure set forth in this Part.

"**§ 160A-58.53. Prerequisites to annexation.**

A municipality exercising authority under this Part shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing provided for in G.S. 160A-58.55, prepare a report setting forth such plans to provide services to the area proposed to be annexed. The report shall include:

(1) A map or maps of the municipality and adjacent territory to show the following information:

a. The present and proposed boundaries of the municipality.

b. The present major trunk water mains and sewer interceptors and outfalls, and the proposed extensions of such mains, outfalls, and lines as required in subdivision (3) of this section. The water and sewer map shall bear the seal of a registered professional engineer.

c. The general land use pattern in the area proposed to be annexed.

(2) A statement showing that the area proposed to be annexed meets the requirements of G.S. 160A-58.54.

(3) A statement setting forth the plans of the municipality for extending to the area proposed to be annexed each major municipal service and the method under which the municipality plans to finance the extension of major municipal services into the area proposed to be annexed as follows:

a. Provision of police protection, fire protection, solid waste collection and street maintenance services to the area proposed to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation. A contract with a rural fire department to provide fire protection shall be an acceptable method of providing fire protection. A contract with a private firm to provide solid waste collection services shall be an acceptable method of providing solid waste collection services.

b. Extension of water and sewer services to each lot or parcel in the area proposed to be annexed, with a proposed timetable for construction of such mains, outfalls and lines within three and one half years of the effective date of annexation.

(4) A statement of the impact of the annexation on any rural fire department providing service in the area proposed to be annexed and a statement of the impact of the annexation on fire protection and fire insurance rates in the area proposed to be annexed, if the area where service is provided is in an insurance district designated under G.S. 153A-233, a rural fire protection district under Article 3A of Chapter 69 of the General Statutes, or a fire service district under Article 16 of Chapter 153A of the General Statutes. The rural fire department shall make available to the municipality not later than 30 days following a written request from the municipality all information in its possession or control, including operational, financial and

budgetary information, necessary for preparation of a statement of impact. The municipality shall, in a timely fashion, supply the rural fire department with information requested by the rural fire department to respond to the written request. The rural fire department forfeits its rights under G.S. 160A-58.56 and G.S. 160A-58.57 if it fails to make a good faith response within 45 days following receipt of the written request for information from the municipality, provided that the municipality's written request so states by specific reference to this subsection.

(5) A statement showing how the proposed annexation will affect the municipality's finances and services, including municipal revenue change estimates. This statement shall be delivered to the clerk of the board of county commissioners at least 30 days before the date of the public informational meeting on any annexation under this Part.

"**§ 160A-58.54. Character of area to be annexed.**

(a) A municipal governing board may extend the municipal corporate limits to include any area that meets all of the following criteria:

(1) It shall be adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun, except if the entire territory of a county water and sewer district created under G.S. 162A-86(b1) is being annexed, the annexation shall also include any noncontiguous pieces of the district as long as the part of the district with the greatest land area is adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) At least one eighth of the aggregate external boundaries of the area shall coincide with the municipal boundary.

(3) No part of the area shall be included within the boundary of another incorporated municipality.

(4) The total area to be annexed shall meet the requirements of any of the following:

a. Part or all of the area to be annexed must be developed for urban purposes at the time of approval of the report provided for in G.S. 160A-58.53. The area of streets and street rights-of-way shall not be used to determine total acreage under this subdivision. An area developed for urban purposes is defined as any area which meets any one of the following standards:

1. Has a total resident population equal to at least two and three-tenths persons for each acre of land included within its boundaries.

2. Has a total resident population equal to at least one person for each acre of land included within its boundaries, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage consists of lots and tracts three acres or less in size and such that at least sixty-five percent (65%) of the total number of lots and tracts are one acre or less in size.

3. Is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of

annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts three acres or less in size.

4. Is the entire area of any county water and sewer district created under G.S. 162A-86(b1), but this sub-subdivision only applies to annexation by a municipality if all of the following apply:

I. The municipality has provided in a contract with that district that the area is developed for urban purposes.

II. The contract provides for the municipality to operate the sewer system of that county water and sewer district.

III. The municipality is annexing in one proceeding the entire territory of the district not already within the corporate limits of a municipality.

5. Is so developed that, at the time of the approval of the annexation report, all tracts in the area to be annexed are used for commercial, industrial, governmental, or institutional purposes.

b. Part or all of the area to be annexed either:

1. Lies between the municipal boundary and an area developed for urban purposes so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services and/or water and/or sewer lines through such sparsely developed area.

2. Is adjacent, on at least sixty percent (60%) of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in sub-subdivision a. of this subsection.

The purpose of this sub-subdivision is to permit municipal governing boards to extend corporate limits to include all nearby areas developed for urban purposes and where necessary to include areas which at the time of annexation are not yet developed for urban purposes but which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

c. The total area to be annexed is completely surrounded by the municipality's primary corporate limits.

(b) In fixing new municipal boundaries, a municipal governing board shall comply with all the following:

(1) Use recorded property lines and streets as boundaries. Some or all of the boundaries of a county water and sewer district may also be used when the entire district not already within the corporate limits of the municipality.

(2) Use whole parcels of property in that if any portion of parcel is included, the entire parcel of real property as recorded in the deed transferring title shall be included.

(3) Not use a connecting corridor consisting solely of a street or street right-of-way to establish contiguity to an outlying, noncontiguous area.

(4) Not consider property in use for a commercial, industrial, institutional, or governmental purpose if the lot or tract is used only temporarily, occasionally, or on an incidental or insubstantial basis in relation to the size and character of the lot or tract.

(5) Acreage in use for commercial, industrial, institutional, or governmental purposes shall include acreage actually occupied by buildings or other man-made structures together with all areas that are reasonably necessary and appurtenant to such facilities for purposes of parking, storage, ingress and egress, utilities, buffering, and other ancillary services and facilities.

(6) "Necessary land connection" means an area that does not exceed twenty-five percent (25%) of the total area to be annexed.

(7) The area of an abolished water and sewer district shall be considered to be a water and sewer district for the purpose of this section even after its abolition under G.S. 162A-87.2(b).

"**§ 160A-58.55. Procedure for annexation.**

(a) Resolution of Consideration. – Any municipal governing board desiring to annex territory under the provisions of this Part shall first pass a resolution of consideration identifying the area under consideration for annexation. The resolution of consideration may have a metes and bounds description or a map and shall remain effective for two years after adoption and shall be filed with the municipal clerk. A new resolution of consideration adopted before expiration of the two-year period for a previously adopted resolution covering the same area shall relate back to the date of the previous resolution. Adoption of a resolution of consideration shall not confer prior jurisdiction over the area as to any other municipality.

(b) Notice of Resolution of Consideration. – A notice of adoption of the resolution of consideration shall be published once a week for two successive weeks, with each publication being on the same day of the week, in a newspaper having general circulation in the municipality. The second publication shall be no more than 30 days following adoption of the resolution of consideration. The notice shall contain a map or description of the area under consideration and a summary of the annexation process and time lines.

(c) Resolution of Intent. – At least one year after adoption of the resolution of consideration, the municipal governing body may adopt a resolution stating the intent of the municipality to proceed with annexation of some or all of the area described in the resolution of consideration. The resolution of intent shall describe the boundaries of the area proposed for annexation, fix a date for the public informational meeting, and fix a date for a public hearing on the question of annexation. The date for the public informational meeting shall be not less than 45 days and not more than 55 days following passage of the resolution of intent. The date for the public hearing to be not less than 60 days and not more than 90 days following passage of the resolution of intent.

(d) Notice of Public Informational Meeting and Public Hearing. – The notice of public informational meeting and public hearing shall be issued as provided for in this subsection:

(1) The notice shall be a combined notice that includes at least all of the following:

a. The date, hour, and place of the public informational meeting and the date, hour, and place of the public hearing.

b. A clear description of the boundaries of the area under consideration, including a legible map of the area.

c. A statement that the report required in G.S. 160A-58.53 will be available at the office of the municipal clerk at least 30 days prior to the date of the public informational meeting.

d. An explanation of an owner's rights pursuant to this section.

e. A summary of the annexation process with time lines and a summary of available statutory remedies for contesting the annexation and the failure to provide services.

f. Information on how to request to become a customer of the water and sewer service and all forms to request that service. The information shall contain a clear statement that no person having a freehold interest in the real property located within the area described in the resolution of intent will be required to become a customer of the water and sewer service, unless such requirement is mandated due to sanitation or health.

g. A clear description of the distinction between the public informational meeting and the public hearing.

(2) The notice shall be given by publication once a week for at least two successive weeks prior to the date of the public informational meeting, with each publication being on the same day of the week, in a newspaper having general circulation in the municipality and, in addition thereto, if the area proposed to be annexed lies in a county containing less than fifty percent (50%) of the land area of the municipality, in a newspaper having general circulation in the area of proposed annexation. If there is no such newspaper, the municipality shall post the notice in at least five public places within the municipality and at least five public places in the area to be annexed for 30 days prior to the date of public informational meeting.

(3) The notice, together with the information about requesting water and sewer service, shall be mailed at least four weeks prior to the date of the public informational meeting, by first class mail to the owners as shown by the tax records of the county of all freehold interests in real property located within the area to be annexed. The person or persons mailing such notices shall certify to the governing board that fact, and such certificate shall become a part of the record of the annexation proceeding and shall be deemed conclusive in the absence of fraud. If the notice is returned to the municipality by the postal service by the tenth day before the informational meeting, a copy of the notice shall be sent by certified mail, return receipt requested, at least seven days before the informational meeting. Failure to comply with the mailing requirement of this subsection shall not invalidate the annexation unless it is shown that the requirements were not substantially complied with.

(4) If the governing board by resolution finds that the tax records are not adequate to identify the owners of some or all of the parcels of real property within the area, it may, in lieu of the mail procedure required by subdivision (3) of this subsection, post the notice at least 30 days prior to the date of the public informational meeting on all buildings, on such parcels, and in at least five other places within the area to be annexed as to those parcels where the owners could not be so identified. In any case where notices are placed on property, the person placing the notice shall certify that fact to the governing board.

(e) Action Prior to Informational Meeting. – At least 30 days before the date of the public informational meeting, the municipal governing board shall:

(1) Approve the report provided for in G.S. 160A-58.53.

(2) Prepare a summary of the full approved report for public distribution.

(3) Post in the office of the clerk all of the following:

a. The approved report provided for in G.S. 160A-58.53.

b. The summary of the full approved report.
c. A legible map of the area to be annexed.
d. The list of the persons holding freehold interests in property in the area to be annexed that the municipality has identified and mailed notice.
e. Information on how to request to become a customer of the water service or sewer service and all forms to request that service.

(4) If the municipality has a Web site that one or more of its employees maintains, post on that web site all of the information under this section together with forms to apply for water and sewer service.

(f) Public Informational Meeting. – At the public informational meeting, a representative of the municipality shall first make an explanation of the report required in G.S. 160A-58.53 and an explanation of the provision of services. The explanation of provision of services shall include how to request water service or sewer service to individual lots, the average cost of a residential connection to the water and sewer system, and the opportunity for a credit in the amount of that average cost of a residential connection under G.S. 160A-58.56. Following such explanation, all persons resident or owning property in the area proposed to be annexed as described in the notice of public informational meeting and hearing, and all residents of the municipality, shall be given the opportunity to ask questions and receive answers regarding the proposed annexation.

(g) Public Hearing. – At the public hearing, a representative of the municipality shall first make an explanation of the report required in G.S. 160A-58.53. Following such explanation, all persons resident or owning property in the area proposed to be annexed as described in the notice of public informational meeting and hearing, and all residents of the municipality, shall be given an opportunity to be heard. A summary of the annexation process with time lines, a summary of available statutory remedies for contesting the annexation, an explanation of the provision of services, and information regarding including any forms for requesting water service or sewer service to individual lots shall be distributed at the public informational meeting.

(h) Passage of the Annexation Ordinance. – The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-58.53 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-58.53. At any regular or special meeting held no sooner than the tenth day following the public hearing and not later than 90 days following such public hearing, the governing board shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which the governing board has concluded should be annexed. The annexation ordinance shall:

(1) Contain specific findings showing that the area to be annexed meets the requirements of G.S. 160A-58.54. The external boundaries of the area to be annexed shall be described by metes and bounds.

(2) A statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by G.S. 160A-58.53 and a timeline for the provision of those services.

(3) A specific finding that on the effective date of annexation, the municipality will have funds appropriated in sufficient amount to finance construction of any water and sewer lines stated in the report required by G.S. 160A-58.53 to extend the basic water and sewer services into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue bonds in an amount sufficient to finance such construction. If authority to issue such bonds shall be secured from the electorate of the

municipality prior to the effective date of annexation, then the effective date of annexation shall be no earlier than the day following the statement of the successful result of the bond election.

(4) Fix the effective date for annexation as June 30 next following the adoption of the ordinance or as the June 30 of the year following the adoption of the ordinance.

(5) Together, with the list of the persons having a freehold interest in the real property located within the area described in the annexation ordinance to which a notice was mailed under subsection (c) of this section, be delivered within 3 business days to the county tax assessor of the county in which a majority of the municipality lies.

(6) Be summarized and sent to the list of the persons having a freehold interest in the real property located within the area described in the annexation ordinance to which a notice was mailed under subsection (c) of this section together with a blank petition form, preprinted with name and address of the person having a freehold interest in the real property located within the area described in the annexation ordinance.

(7) If a public body has a Web site that one or more of its employees maintains, post a copy of the petition to deny annexation ordinance that a person having a freehold interest in the real property located within the area described in the annexation ordinance may fill out and return to the county tax assessor in accordance with subsection (i) of this section.

(i) Petition to Deny Annexation Ordinance. – If a petition signed by at least sixty percent (60%) of the persons having a freehold interest in the real property located within the area described in the annexation ordinance is delivered to the municipal governing board as provided in this subsection, the annexation shall be terminated and the municipality may not adopt a resolution of consideration for the area described in the annexation ordinance for at least 24 months. Upon receipt of the resolution of intent and list of persons having a freehold interest in the real property located within the area, the county tax assessor shall prepare a petition for persons having a freehold interest in the real property located within the area described in the resolution of intent to sign opposing the annexation ordinance. The tax assessor shall permit persons having a freehold interest in the real property located within the area described in the resolution of intent to sign the petition form prepared by the tax assessor either in person or by mail. If the signed petition is one that was mailed under subdivision (h)(6) of this section and the signer is not the same as the preprinted name on the form, the signed petition shall be notarized and accompanied by a copy of the legal authority for the signature of the person signing the petition. The tax assessor shall accept signatures on the petition until 120 days after the adoption of the annexation ordinance. At the close of the signature period, the tax assessor shall certify to the municipal governing body the number of signatures of persons having a freehold interest in the real property located within the area described in the annexation ordinance within 10 business days. This subsection shall not apply to any persons having a freehold interest in the real property located within the area described in the resolution of intent or annexation ordinance when that resolution of intent or annexation ordinance specifies the real property is completely surrounded by the municipality's primary corporate limits.

(j) Effect of Annexation Ordinance. – Except as provided in subsection (k) of this section, from and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality.

(k) Property Subject to Present-Use Value Appraisal. – If an area described in an annexation ordinance includes agricultural land, horticultural land, or forestland that meets either of the conditions listed below on the effective date of annexation, then the annexation becomes effective as to that property pursuant to subsection (l) of this section:

(1) The land is being taxed at present-use value pursuant to G.S. 105-277.4.

(2) The land meets both of the following conditions:

a. On the date of the resolution of intent for annexation it was being used for actual production and is eligible for present-use value taxation under G.S. 105-277.4, but the land had not been in use for actual production for the required time under G.S. 105-277.3.

b. The assessor for the county where the land subject to annexation is located has certified to the municipality that the land meets the requirements of this subdivision.

(l) Effective Date of Annexation for Certain Property. – Annexation of property subject to annexation under subsection (j) of this section becomes effective as provided in this subsection:

(1) Upon the effective date of the annexation ordinance, the property shall be considered part of the municipality only (i) for the purpose of establishing municipal boundaries for additional annexations pursuant to this Article and (ii) for the exercise of municipal authority pursuant to Article 19 of this Chapter.

(2) For all other purposes, the annexation becomes effective as to each tract of the property or part thereof on the last day of the month in which that tract or part thereof becomes ineligible for classification pursuant to G.S. 105-277.4 or no longer meets the requirements of subdivision (k)(2) of this section. Until annexation of a tract or a part of a tract becomes effective pursuant to this subsection, the tract or part of a tract is not subject to taxation by the municipality under Article 12 of Chapter 105 of the General Statutes nor is the tract or part of a tract entitled to services provided by the municipality. Upon the effective date of annexation, taxation of real and personal property is subject to the provisions of G.S. 160A-58.10.

(m) Simultaneous Annexation Proceedings. – If a municipality is considering the annexation of two or more areas which are all adjacent to the municipal boundary but are not adjacent to one another, it may undertake simultaneous proceedings under authority of this Part for the annexation of such areas.

(n) Remedies for Failure to Provide Services. – If, not earlier than 30 days from the effective date of annexation, and not later than 15 months from the effective date of annexation, any person owning property in the annexed territory shall believe that the municipality has not followed through providing services as set forth in the report adopted under G.S. 160A-58.53 and subsection (e) of this section, the person may apply for a writ of mandamus under the provisions of Article 40, Chapter 1 of the General Statutes. Relief may be granted by the judge of superior court if the municipality has not provided the services set forth in its plan submitted under the provisions of G.S. 160A-58.53(3)a. on substantially the same basis and in the same manner as such services were provided within the rest of the municipality prior to the effective date of annexation and those services are still being provided on substantially the same basis and in the same manner within the original corporate limits of the municipality. If a writ is issued, costs in the action, including a reasonable attorney's fee for such aggrieved person, shall be charged to the municipality.

(o) Reports to the Local Government Commission and Abatement of Ad Valorem. – The municipality shall report to the Local Government Commission as follows:

(1) As to whether police protection, fire protection, solid waste or street maintenance services were provided in accordance with G.S. 160A-58.53(3)a. within 30 days after the effective date of the annexation. Such report shall be filed no more than 30 days following the expiration of the 30-day period. If the Local Government Commission determines that the municipality failed to deliver police protection, fire protection, solid waste services or street maintenance services as provided for in G.S. 160A-58.53(3)a. within 30 days after the effective date of the annexation, the Local Government Commission shall notify the municipality that the municipality may not count any of the residents as part of the population of the municipality for the purpose of receiving any State, federal or county dollars distributed based on population until all of the services are provided.

(2) As to whether the extension of water and sewer lines was completed within the time period specified in G.S. 160A-58.53(3), within 30 days after the effective date of the annexation ordinance, and again within three and one half years of the effective date of the annexation ordinance or upon the completion of the installation, whichever occurs first. If the municipality failed to deliver water and sewer services as provided for in G.S. 160A-58.53(3)b. within three and one half years after the effective date of the annexation, the municipality stop any other annexations in progress and may not begin any other annexation until the water and sewer services are provided. The municipality shall adopt a resolution of consideration to begin again any annexation that is stopped due to this subdivision.

"**§ 160A-58.56. Provision of Water and Sewer Service.**

(a) The municipality shall provide water and sewer service to the annexed area within three and one half years of the effective date of the annexation ordinance.

(b) Prior to annexation, the municipality shall offer to each person having a freehold interest in real property located within the area proposed to be annexed an opportunity to obtain water and sewer service at no cost other than periodic fees based upon usage as follows:

(1) After passage of the resolution of intent, the person having a freehold interest in the real property located within the area proposed to be annexed shall be notified in writing of the opportunity to have water and sewer lines and connections installed at no cost to the person. The persons having a freehold interest in the real property located within the area proposed to be annexed shall be allowed 60 days to respond yes or no to the opportunity.

(2) At the close of the 60 day period, the municipality shall determine if a majority of the persons having a freehold interest in the real property located within the area proposed to be annexed have responded favorably. A majority of the freehold interest owners in a single parcel of real property must respond favorably before the municipality may count that parcel of real property as responding favorably.

(3) If a majority of the persons having a freehold interest in the real property located within the area proposed to be annexed have responded favorably, the municipality shall do all of the following:

a. Provide water and sewer lines and connections at no cost to all persons responding favorably if the annexation ordinance is adopted.

b. Notify those persons having a freehold interest in the real property located within the area proposed to be annexed who failed to respond or responded negatively that water and sewer lines and connections that a majority of the persons having a freehold interest in the real

property located within the area proposed to be annexed responded favorably and offer a second opportunity for that person to respond favorably within 30 days.

(4) If a majority of the persons having a freehold interest in the real property located within the area proposed to be annexed fail to respond favorably, the municipality may proceed with the annexation, and charge any person having a freehold interest in the real property located within the area proposed to be annexed for the installation of the infrastructure to provide water and sewer services to the area as required by this section.

(c) The process required by subsection (b) of this section shall be completed by municipality at least 30 days prior to the public hearing. The report required by G.S. 160A-58.55(d) shall include the results of the process required by subsection (b) of this section.

(d) Any person having a freehold interest in the real property located within the area described in the annexation ordinance may apply to participate in the water and sewer system after the completion of the process required by subsection (b) of this section. For a person having a freehold interest in the real property located within the area described in the annexation ordinance applying within the first year, that person shall be given a credit equal to fifty percent (50%) of cost of the installation of the water and sewer for a residential lot. For a person having a freehold interest in the real property located within the area described in the annexation ordinance applying within the second year, that person shall be given a credit equal to forty percent (40%) of cost of the installation of the water and sewer for a residential lot. For a person having a freehold interest in the real property located within the area described in the annexation ordinance applying within the third year, that person shall be given a credit equal to thirty percent (30%) of cost of the installation of the water and sewer for a residential lot. For a person having a freehold interest in the real property located within the area described in the annexation ordinance applying within the fourth year, that person shall be given a credit equal to twenty percent (20%) of cost of the installation of the water and sewer for a residential lot. For a person having a freehold interest in the real property located within the area described in the annexation ordinance applying within the fifth year, that person shall be given a credit equal to ten percent (10%) of cost of the installation of the water and sewer for a residential lot.

(e) For purposes of this section, "at no cost other than periodic fees" means the person having a freehold interest in the real property located within the area proposed to be annexed responding favorably within the timeframes set forth in this section shall be given a credit in an amount equal to the installation of the water and sewer connection for a residential lot and shall not be billed for any costs prior to the first periodic fee charge.

"**§ 160A-58.60. Appeal.**

(a) Within 60 days following the close of the signature period under G.S. 160A-58.55(f), any person having a freehold interest in the real property located within the area described in the annexation ordinance who believes that person will suffer material injury by reason of the failure of the municipal governing board to comply with the procedure or to meet the requirements set forth in this Part as they apply to the property may file a petition in the superior court of the county in which the municipality is located seeking review of the action of the governing board.

(b) Such petition shall explicitly state what exceptions are taken to the action of the governing board and what relief the petitioner seeks. Within 10 days after the petition is filed with the court, the person seeking review shall serve copies of the petition by registered mail, return receipt requested, upon the municipality.

(c) Within 15 days after receipt of the copy of the petition for review or within such additional time as the court may allow, the municipality shall transmit to the reviewing court both of the following:

(1) A transcript of the portions of the municipal journal or minute book in which the procedure for annexation has been set forth.

(2) A copy of the report setting forth the plans for extending services to the annexed area as required in G.S. 160A-58.53.

(d) If two or more petitions for review are submitted to the court, the court may consolidate all such petitions for review at a single hearing, and the municipality shall be required to submit only one set of minutes and one report as required in subsection (c).

(e) At any time before or during the review proceeding, any petitioner or petitioners may apply to the reviewing court for an order staying the operation of the annexation ordinance pending the outcome of the review. The court may grant or deny the stay in its discretion upon such terms as it deems proper, and it may permit annexation of any part of the area described in the ordinance concerning which no question for review has been raised.

(f) The court shall fix the date for review of annexation proceedings under this Part, which review date shall preferably be within 30 days following the last day for receiving petitions to the end that review shall be expeditious and without unnecessary delays. The review shall be conducted by the court without a jury. The court may hear oral arguments and receive written briefs, and may take evidence intended to show one or more of the following:

(1) That the statutory procedure was not followed.

(2) That the provisions of G.S. 160A-58.53 were not met.

(3) That the provisions of G.S. 160A-58.54 have not been met.

(g) The court may affirm the action of the governing board without change, or it may order any of the following:

(1) Remand the ordinance to the municipal governing board for further proceedings if procedural irregularities are found to have materially prejudiced the substantive rights of any of the petitioners.

(2) Remand the ordinance to the municipal governing board for amendment of the boundaries to conform to the provisions of G.S. 160A-58.54 if it finds that the provisions of G.S. 160A-58.54 have not been met; provided, that the court cannot remand the ordinance to the municipal governing board with directions to add area to the municipality which was not included in the notice of public hearing and not provided for in plans for service.

(3) Remand the report to the municipal governing board for amendment of the plans for providing services to the end that the provisions of G.S. 160A-58.53 are satisfied.

(4) Declare the ordinance null and void, if the court finds that the ordinance cannot be corrected by remand as provided in subdivisions (1), (2), or (3) of this subsection.

If any municipality shall fail to take action in accordance with the court's instructions upon remand within 90 days following entry of the order embodying the court's instructions, the annexation proceeding shall be deemed null and void.

(h) Any party to the review proceedings, including the municipality, may appeal to the Court of Appeals from the final judgment of the superior court under rules of procedure applicable in other civil cases. The superior court may, with the agreement of the municipality, permit annexation to be effective with respect to any part of the area concerning which no appeal is being made and which can be incorporated into the municipality without regard to any part of the area concerning which an appeal is being made.

(i) If part or all of the area annexed under the terms of an annexation ordinance is the subject of an appeal to the superior court, Court of Appeals or Supreme Court on the effective date of the ordinance, then the ordinance shall be deemed amended to make the effective date with respect to such area the last day of the next full calendar month following the date of the final judgment of the superior court or appellate division, whichever is appropriate, or the date

the municipal governing board completes action to make the ordinance conform to the court's instructions in the event of remand. For the purposes of this subsection, a denial of a petition for rehearing or for discretionary review shall be treated as a final judgment.

(j) If a petition for review is filed under subsection (a) of this section or an appeal is filed under G.S. 160A-58.56(g) or G.S. 160A-58.58(g), and a stay is granted, then the time periods of three and one half years, 24 months or 27 months provided in G.S. 160A-58.53(3)c, 160A-58.55(h), or 160A-58.55(j) are each extended by the lesser of the length of the stay or one year for that annexation.

(k) The provisions of subsection (i) of this section shall apply to any judicial review authorized in whole or in part by G.S. 160A-58.56(i) or G.S. 160A-58.58(g).

(l) In any proceeding related to an annexation ordinance appeal under this section, a municipality shall not state a claim for lost property tax revenue caused by the appeal. Nothing in this Article shall be construed to mean that as a result of an appeal a municipality may assert a claim for property tax revenue lost during the pendency of the appeal.

(m) Any settlement reached by all parties in an appeal under this section may be presented to the superior court in the county in which the municipality is located. If the superior court, in its discretion, approves the settlement, it shall be binding on all parties without the need for approval by the General Assembly.

(n) If a final court order is issued against the annexing municipality, costs in the action, including a reasonable attorney's fee for such aggrieved person persons having a freehold interest in the real property located within the area described in the annexation ordinance, may be charged to the municipality.

"**§ 160A-58.61. Reserved for future codification.**

"**§ 160A-58.62. Reserved for future codification.**

"**§ 160A-58.63. Population and land estimates.**

In determining population and degree of land subdivision for purposes of meeting the requirements of G.S. 160A-58.54, the municipality shall use methods calculated to provide reasonably accurate results. In determining whether the standards set forth in G.S. 160A-58.54 have been met on appeal to the superior court under G.S. 160A-58.59, the reviewing court shall accept the estimates of the municipality unless the actual population, total area, or degree of land subdivision falls below the standards in G.S. 160A-58.54:

(1) As to population, if the estimate is based on the number of dwelling units in the area multiplied by the average family size in such area, or in the township or townships of which such area is a part, as determined by the last preceding federal decennial census; or if it is based on a new enumeration carried out under reasonable rules and regulations by the annexing municipality; provided, that the court shall not accept such estimates if the petitioners demonstrate that such estimates are in error in the amount of ten percent (10%) or more.

(2) As to total area if the estimate is based on an actual survey, or on county tax maps or records, or on aerial photographs, or on some other reasonably reliable map used for official purposes by a governmental agency, unless the petitioners on appeal demonstrate that such estimates are in error in the amount of five percent (5%) or more.

(3) As to degree of land subdivision, if the estimates are based on an actual survey, or on county tax maps or records, or on aerial photographs, or on some other reasonably reliable source, unless the petitioners on appeal show that such estimates are in error in the amount of five percent (5%) or more.

SECTION 3. G.S. 160A-45 is repealed.

SECTION 4. G.S. 160A-46 is repealed.

SECTION 5. G.S. 160A-47 is repealed.

SECTION 6. G.S. 160A-47.1 is repealed.
SECTION 7. G.S. 160A-48 is repealed.
SECTION 8. G.S. 160A-49 is repealed.
SECTION 9. G.S. 160A-49.1 is recodified as G.S. 160A-58.56.
SECTION 10. G.S. 160A-49.2 is recodified as G.S. 160A-58.57.
SECTION 11. G.S. 160A-49.3 is recodified as G.S. 160A-58.58.
SECTION 12. G.S. 160A-50 is repealed.
SECTION 13. G.S. 160A-51 is recodified as G.S. 160A-58.61.
SECTION 14. G.S. 160A-52 is recodified as G.S. 160A-58.62.
SECTION 15. G.S. 160A-53 is repealed.
SECTION 16. G.S. 160A-54 is repealed.
SECTION 17. G.S. 160A-31 reads as rewritten:

"**§ 160A-31. Annexation by petition.**

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of_____

2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, if two thirds of the households in an area petitioning for annexation pursuant to this section have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds, the governing board of any municipality shall annex by ordinance any area one-eighth of the aggregate external boundaries of which are contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of at least seventy-five percent (75%) of the parcels of real property in that area.

(b2) The petition under subsection (b1) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of_____

2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of ~~his~~ the investigation. For petitions received under subsection (b1) or (i) of this section, the clerk shall receive the report from the Department of Revenue as provided in subsection (k) of this section before certifying the sufficiency of the petition. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general

circulation in the municipality at least 10 days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

(d) At the public hearing ~~all~~ persons resident or owning property in the area described in the petition ~~to be annexed who allege an error in the petition~~ and persons resident or owning property in the municipality shall be given an opportunity to be heard, as well as residents of the municipality who question the necessity for annexation. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or on ~~any specified date within~~the June 30 after ~~six months from~~ the date of the passage of the ordinance or the June 30 of the following year after the date of passage of the ordinance.

(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by the width of a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity to an outlying, noncontiguous area. In describing the area to be annexed in the annexation ordinance, the municipal governing board may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation.

(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The resolution shall contain an adequate description of the property, state that the property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published as provided in subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.

(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

(i) Using the procedures under this section, the governing board of any municipality may annex by ordinance any distressed area contiguous to its boundaries upon presentation to the governing board of a petition signed by at least one adult resident of at least two thirds of the resident households located within such area. For purposes of this subsection, a "distressed

area" is defined as an area in which at least fifty-one percent (51%) of the households in the area petitioning to be annexed have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds. The municipality may require reasonable proof that the petitioner in fact resides at the address indicated.

(j) The petition under subsection (i) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned residents of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(i) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____

2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(k) For purposes of determining whether the percentage of households in the area petitioning for annexation meets the poverty thresholds under subsections (b1) and (i) of this section, the petitioners shall submit to the municipal governing board any reasonable evidence that demonstrates the area in fact meets the income requirements of that subsection. The evidence presented may include data from the most recent federal decennial census, other official census documents, signed affidavits by at least one adult resident of the household attesting to the household size and income level, or any other documentation verifying the incomes for a majority of the households within the petitioning area. Petitioners may select to submit name, address, and social security number to the clerk, who shall in turn submit the information to the Department of Revenue. Such information shall be kept confidential and is not a public record. The Department shall provide the municipality with a summary report of income for households in the petitioning area. Information for the report shall be gleaned from income tax returns, but the report submitted to the municipality shall not identify individuals or households."

SECTION 18. G.S. 160A-58.8 reads as rewritten:

"**§ 160A-58.8. Recording and Reporting.**

(a) Annexations made under this ~~part~~ Article shall be recorded and reported in the same manner as under G.S. 160A-29.

(b) To be enforceable, any written agreement with a person having a freehold interest in real property regarding annexation shall be recorded in the county register of deeds office in which the real property lies."

SECTION 19. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 20. This act becomes effective July 1, 2011, and applies to annexations for which a petition has been received under Part 1 or Part 4 of Article 4A of Chapter 160A of the General Statutes on or after that date. Annexations for which a resolution of intent has been adopted under Part 2 or Part 3 of Article 4A of Chapter 160A of the General Statutes before that date shall terminate and may be reinitiated in compliance with Part 7 of Article 4A of Chapter 160A as enacted by this Act.

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SB 146 A BILL TO BE ENTITLED AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 146*
PROPOSED HOUSE COMMITTEE SUBSTITUTE S146-PCS55281-LB-39

Short Title: Suspend Plastic Bag Ban/Supply Disruption. (Public)

Sponsors:

Referred to:

March 1, 2011

A BILL TO BE ENTITLED

AN ACT TO SUSPEND THE BAN ON PLASTIC BAGS IN CERTAIN COASTAL AREAS DUE TO A DISRUPTION IN THE SUPPLY OF PAPER BAGS BECAUSE OF THE SEVERE TORNADOS.

Whereas, the large retailers were prohibited in September 2009 from supplying plastic bags on the barrier islands of the Outer Banks as a pilot program; and

Whereas, the ban was expanded in October 2010 to apply to all businesses in the affected area; and

Whereas, the major distribution center for paper bags used by retailers in the areas subject to the ban was located in Dunn, but was severely damaged and rendered unusable by the tornados of April 16, 2011; and

Whereas, the General Assembly finds that the suspension of the requirement until the supply chain for paper bags is restored is in the public interest; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The operation of Part 2G of Article 9 of Chapter 130A of the General Statutes (Plastic Bag Management) is suspended until the earlier of June 30, 2011, or the issuance of an executive order by the Governor that the supply chain for paper bags in counties subject to Part 2G has been restored.

SECTION 2. This act becomes effective April 16, 2011.

NCGA
NORTH CAROLINA GENERAL ASSEMBLY

FULL SITE SEARCH: type search criteria
SEARCH BILL TEXT: 2011-2012 Session · type search criteria
FIND A BILL: 2011-2012 Session · enter bill # (e.g., S253)
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PRINTABLE VERSION

<< Previous: S145
Next: S147 >>

Senate Bill 146 (= H173)

2011-2012 Session

State Shrimp Festival-Sneads Ferry.

View Bill Digest	
Text	Fiscal Note
Filed [HTML]	-
Edition 1 [HTML]	-

Status:	Ref To Com On Rules, Calendar, and Operations of the House on 03/21/2011
Sponsors	
Primary:	Harry Brown;
Co:	Floyd B. McKissick, Jr.;
Attributes:	Public;

Vote History

Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
03/16/2011 3:18PM	Second Reading	[S] - 83	47	2	0	1	0	49	PASSED

Viewing Last 1 Vote(s) *View All Votes*

History RSS

Date	Chamber	Action
02/28/2011	Senate	Filed
03/01/2011	Senate	Passed 1st Reading
03/01/2011	Senate	Ref To Com On Commerce
03/15/2011	Senate	Reptd Fav
03/16/2011	Senate	Passed 2nd & 3rd Reading
03/21/2011	House	Passed 1st Reading
03/21/2011	House	Ref To Com On Rules, Calendar, and Operations of the House

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

2011-2012 Session

Bill Number: enter bill # (i.e., S25: Look-Up

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

BILL DRAFT 2011-LB-362 [v.1] (04/19)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/19/2011 9:27:47 AM

Short Title:	Suspend Plastic Bag Ban/Supply Disruption.	(Public)
Sponsors:	Representative Lewis.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO SUSPEND THE BAN ON PLASTIC BAGS IN CERTAIN COASTAL AREAS DUE TO A DISRUPTION IN THE SUPPLY OF PAPER BAGS BECAUSE OF THE SEVERE TORNADOS.

Whereas, the large retailers were prohibited in September 2009 from supplying plastic bags on the barrier islands of the Outer Banks as a pilot program; and

Whereas, the ban was expanded in October 2010 to apply to all businesses in the affected area; and

Whereas, the major distribution center for paper bags used by retailers in the areas subject to the ban was located in Dunn, but was severely damaged and rendered unusable by the tornados of April 16, 2011, and

Whereas, the General Assembly finds that the suspension of the requirement until the supply chain for paper bags is restored is in the public interest; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The operation of Part 2G of Article 9 of Chapter 130A of the General Statutes (Plastic Bag Management) is suspended until the earlier of June 30, 2011 or the issuance of an executive order by the Governor that the supply chain for paper bags in counties subject to Part 2G has been restored.

SECTION 2. This act becomes effective April 16, 2011.

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	02/01/2011	02/02/2011	02/16/2011	03/01/2011	03/08/2011	03/16/2011	3/12011 pm	3/30/2011	4/4/2011	4/5/2011	4/6/2011	4/6/2011	4-26-2011		
Rep. Stephen LaRoque Chair	x	x	x	X	x	x	x	x	X	x	X				
Rep. Tim Moore Chair	x	x	x	X	x	x	x		X	x	X	X	X		
Rep. Bill Owens Vice Chair	x	x	x	X				x	X	x	X		X		
Rep. Johnathan Rhyne Vice Chair	x	x	x		x	x	x		X		X				
Rep. Martha Alexander	x	x		X	x	x	x	x	X	x		X			
Rep. John Blust			x	X	x	x	x	x	X	x	X		X		
Rep. Jim Crawford	x	x	x			x			X		X	X			
Rep. Leo Daughtry	x	x			x	x	x				X		X		
Rep. Bill Faison	x	x	x	X	x	x	x	x	X	x	X				
Rep. Jean Farmer- Butterfield	x	x	x	X		x	x	x	X	x	X	Ø	X		
Rep. Dale Folwell	x	x	x			x									
Rep. Mitch Gillsepie			x			x	x								
Rep. Joe Hackney	x	x		X	x	x	x		X	x	X	X	X		
Rep. Dewey Hill	x	x	x	X		x	x			x	X				
Rep. Mark Hilton		x	x		x	x	x	x	X		X	X	X		
Rep. Maggie Jeffus	x	x	x	X	x	x	x			x		X			
Rep. Linda Johnson			x	X	x	x	x	x	X				X		
Rep. Paul Luebke	x	x	x	X	x	x	x	x		x	X	X	X		
Rep. Danny McComas	x	x	x				x				X	X	X		
Rep. Tim Moffitt			x	X	x	x	x	x	X	x	X		X		
Rep. Earline Parmon	x			X	x	x	x	x	X	x		X	X		
Rep. Ruth Samuelson	x	x	x	X	x	x		x		x					
Rep. Paul Stam	x	x	x	X	x	x	x		X						
Rep. Mike Stone	x	x	x	X	x	x	x	x		x	X	X	X		
Kory Goldsmith	x	x	x	X	x	x	x	x		x			X		
Bill Patterson	x	x	x	X	x	x	x	x	X	x	X	X			
Kelly Quick	x	x	x	X	x	x	x	x	X	x	X		X		

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
April 20, 2011

The Committee on Rules, Calendar and Operations of the House met on April 20, 2011 at 1:05 pm in Room 1327 of the Legislative Building. The following members were present: Representative Moore, Chair, Representative Owens, Vice Chair, and Representatives Blust, Faison, Farmer-Butterfield, Hackney, Hilton, Johnson, Luebke, McComas, Moffitt, Parmon, and Stone.

Rep. Tim Moore presided and recognized the Sergeant-at-Arms and Pages.

The Following Bills were considered:

HB-667. Honor Gordon P. Allen, Sr. (Representatives Wilkins, Crawford, Brubaker, Luebke, Primary Sponsors) Representative Wilkins was recognized to explain the bill. No discussion or debate. Rep. Owens motioned for a favorable report. Vote was called. Motion passed.

Hb-333 Adopt Official State Sport. (Representatives Mills, Johnson, Steen, and Owens, Primary Sponsor) Representative Mills was recognized to explain the bill and recognized students from Lake Norman to explain the bill. No discussion or debate. Representative Moore motioned for a favorable report on the bill. Vote was called. Motion passed.

HR-645 Authorize Adult Day/Overnight Respite (Representative Moore, Primary Sponsor) Representative Stone presided as Chair. Rep. Moore was recognized to explain the bill. Representative Owens motioned for the PCS to be before the committee. Representative Farmer-Butterfield motioned for the PCS to be given a favorable report and unfavorable to the original bill. Vote was called. With the majority being in favor, the motion carried.

Chair Stone adjourned.

Respectfully submitted:

Rep. Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

1:00 pm

April 20, 2011

1328 LB

Representative Stephen LaRoque Presiding

Remarks:

HB 333	Adopt Official State Sport.	Representative Mills
		Representative Johnson
		Representative Steen
		Representative Owens
HR 667	Honor Gordon P. Allen, Sr.	Representative Wilkins, Jr.
		Representative Crawford
		Representative Brubaker
		Representative Luebke

Adjourn

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 20, 2011
TIME: 15 Minutes After Session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 333	Adopt Official State Sport.	Representative Mills Representative Johnson Representative Steen, II Representative Owens, Jr.

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **5 PM** o'clock on **April 13, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice time changed to 1:00 pm and add HB 667

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, April 20, 2011
TIME: 1:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 333	Adopt Official State Sport.	Representative Mills Representative Johnson Representative Steen, II Representative Owens, Jr.
HR 667	Honor Gordon P. Allen, Sr.	Representative Wilkins, Jr. Representative Crawford, Jr. Representative Brubaker Representative Luebke

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3 PM** o'clock on **April 14, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

HOUSE RESOLUTION 667

Sponsors: Representatives Wilkins, Crawford, Brubaker, and Luebke (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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

April 7, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF GORDON PHILLIP ALLEN, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Gordon Phillip Allen, Sr. was born on April 29, 1929, in Roxboro, North Carolina, to George Lemuel Allen and Sallie Wilkerson Allen; and

Whereas, Gordon Phillip Allen, Sr. graduated from Roxboro High School in 1947 and received an associate's degree from Mars Hill College in 1949; and

Whereas, Gordon Phillip Allen, Sr. served as a 1st lieutenant in the United States Army during the Korean War, earning a Bronze Star, and served as Commanding Officer in the North Carolina National Guard following the war; and

Whereas, in 1954, Gordon Phillip Allen, Sr. began a career in the insurance business and later became a partner in the Thompson-Allen Insurance Agency; and

Whereas, Gordon Phillip Allen, Sr. earned the respect of his colleagues and represented them as Director of Independent Insurance Agents of North Carolina; and

Whereas, Gordon Phillip Allen, Sr. served with honor and distinction as a member of the General Assembly for three terms in the Senate from 1969 to 1975, where he served as President Pro Tempore during the 1971 and 1973 sessions, and in the House of Representatives from 1997 to 2005, where he served as Chair of the Finance Committee; and

Whereas, Gordon Phillip Allen, Sr. served as a lobbyist for the North Carolina Bankers Association from 1977 to 1997 and was honored when the Association named its annual service award the "Gordon P. Allen Award for Public Service"; and

Whereas, Gordon Phillip Allen, Sr. served as President of the Roxboro Chamber of Commerce, President of the Roxboro Kiwanis Club, Chair of the Person County Economic Development Commission, and Cochair of the Person Memorial Hospital Building Project; and

Whereas, Gordon Phillip Allen, Sr. served as Chair of the Board of Directors of Home Savings of Durham, a member of the Board of Directors of both Central Carolina Bank of Durham and Peoples Bank, and served on the Board of Trustees of the Piedmont Community College for more than 30 years; and

Whereas, Gordon Phillip Allen, Sr. received numerous awards and honors, including the 1959 Jaycees Distinguished Service Award, Thirty Year Service Award from Piedmont Community College, 1999 Distinguished Service Award from Mars Hill College, and the Order of the Long Leaf Pine; and

Whereas, Gordon Phillip Allen, Sr. was a member of Long Memorial United Methodist Church of Roxboro; and

Whereas, Gordon Phillip Allen, Sr. of Roxboro died on December 23, 2010, at the age of 81; and

Whereas, Gordon Phillip Allen, Sr. was married to the late Betsy Harris Allen for 55 years and is survived by his children, Phillip Allen, Kassie McCollum, Betsy Reade Creech, George Allen, and Page Allen, and 17 grandchildren; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Gordon Phillip Allen, Sr. and expresses the appreciation of this body for the service he rendered his community, State, and nation.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of Gordon Phillip Allen, Sr. for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Gordon Phillip Allen, Sr.

SECTION 4. This resolution is effective upon adoption.

HOUSE BILL 333*

Short Title:	Adopt Official State Sport.	(Public)
Sponsors:	Representatives Mills, Johnson, Steen, and Owens (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT STOCK CAR RACING AS THE OFFICIAL SPORT OF NORTH CAROLINA.

Whereas, stock car racing has played a significant role in the history, heritage, and culture of North Carolina; and

Whereas, stock car racing leads the way in the motorsports industry in North Carolina; and

Whereas, the motorsports industry has a six billion dollar economic impact in North Carolina annually and creates over 20,000 direct and indirect jobs; and

Whereas, North Carolina continues to grow and advance the grass roots of the sport of stock car racing with over 30 short tracks located throughout the State hosting over 700 events per year; and

Whereas, North Carolina educates and trains individuals in its University system and Community College system for jobs in stock car racing; and

Whereas, North Carolina is the home of the coveted stock car racing NASCAR Hall of Fame and the NC Auto Racing Hall of Fame; and

Whereas, North Carolina is the home of more than 90 percent of NASCAR Sprint Cup stock car race teams; and

Whereas, the Charlotte Motor Speedway hosts three stock car races annually in the NASCAR Sprint Cup series, more than any Sprint Cup events held annually in any other state, and Charlotte Motor Speedway brings more than one million visitors to North Carolina each year; and

Whereas, North Carolina is the home of "The King," Richard Petty, stock car racing legend Junior Johnson, dubbed "The Last American Hero" by writer Tom Wolfe, and seven-time champion, the late Dale Earnhardt; and

Whereas, North Carolina is the home of stock car racing and North Carolina is committed to the continued growth and popularity of the sport; and

Whereas, stock car racing should be adopted as the State's official sport; 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:

"**§ 145-33. State sport.**

Stock car racing is adopted as the official sport of North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 645
PROPOSED COMMITTEE SUBSTITUTE H645-CSSH-10 [v.1]

4/20/2011 12:59:17 PM

Short Title: Authorize Adult Day/Overnight Respite Program. (Local)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ADULT DAY CARE/OVERNIGHT RESPITE PROGRAMS IN CLEVELAND COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 131D-6(b) reads as rewritten:

"(b) As used in this section "adult day care program" means the provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled.

As used in this section "adult day/overnight respite program" means a program that is inspected and certified by the Department as eligible to provide 24-hour group care and supervision to adults who may be physically or mentally disabled. This 24-hour care must be provided by a certified adult day care combination program that provides both the health and social model or in an adult day health program and shall not exceed 14 consecutive calendar days, or more than 60 total calendar days during a 365-day period. The provision of this service does not obligate the State to pay for any services not already authorized.

The Department of Health and Human Services shall annually inspect and certify all adult day care ~~programs,~~ programs and adult day/overnight respite programs, under rules adopted by the Social Services Commission. The Social Services Commission shall adopt rules to protect the health, safety, and welfare of persons in adult day care ~~programs.~~ programs and adult day/overnight respite programs. These rules shall include minimum standards relating to management of the program, staffing requirements, building requirements, fire safety, sanitation, nutrition, and program activities. Adult day care programs are not required to provide transportation to participants; however, those programs that choose to provide transportation shall comply with rules adopted by the Commission for the health and safety of participants during transport.

The Department of Health and Human Services shall enforce the rules of the Social Services Commission."

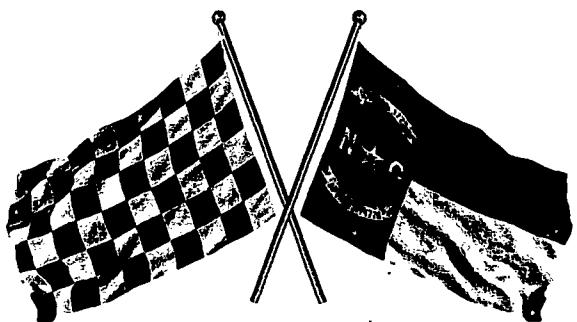
SECTION 1.(b) This act applies to Cleveland County only.

SECTION 2. The Social Services Commission shall adopt rules to establish adult day care/overnight respite programs.

SECTION 3. Section 1 of this act becomes effective January 1, 2012; the remainder of this act is effective when it becomes law.

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NCStateSport@gmail.com



NORTH CAROLINA | The State of Racing

Stock Car Racing as the State Sport of North Carolina

Presented by students from Lake Norman Elementary and Mount Mourne I.B. in Mooresville, NC

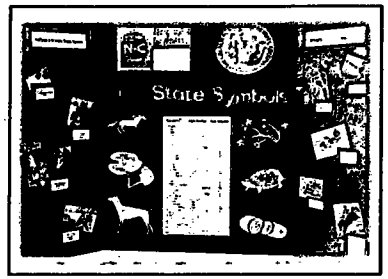
January 28, 2011	*Mooresville Weekly* prints an article written by Justin Vick called, "Students say Stock Car Racing Should be State Sport". This article can be found at http://mooresvilleweekly.com/news/2011/01/students-say-stock-car-racing-should-be-state-sport/
January 29, 2011	Our group develops a Facebook page http://www.facebook.com/NCStateSport
February 7, 2011	Students visit PIT-U (Performance Instruction Training) Facility.
February 11, 2011	Dr. Daniel Pierce, author, associate professor and chair of History Department at UNC-Asheville, visits LNE to hear about our project, discuss his book, Real NASCAR and dedicate a book to our group for our library.
February 14, 2011	*Charlotte Observer* columnist, Joe Marusak, visits LNE to interview the group about the project.
February 18, 2011	News 14 Carolina visits LNE to interview the group about the project.
February 20, 2011	News 14 Carolina runs the segment on our project. It can be found online at http://charlotte.news14.com/content/local_news/charlotte/637016/students-drive-to-make-stock-car-racing-official-state-sport
February 21, 2011	*The Charlotte Observer* runs the article on our project. It can be found online at http://www.thatsracin.com/2011/02/20/57166/students-want-stock-car-racing.html
February 21, 2011	Students present project at Mooresville Town Board Meeting and receive a unanimous endorsement of support from the board.
February 22, 2011	Fox News Edge interviews a few members of our group. The question of the night on their program is, "Should stock car racing be the official state sport of North Carolina?"
March 10, 2011	Students present project at Statesville Civitan Club.
March 10, 2011	**House Bill 333 "Adopt Official State Sport" is filed in the North Carolina General Assembly.**
March 10, 2011	**Senate Bill 322 "Adopt Official State Sport" is filed in the North Carolina General Assembly.**
March 14, 2011	House Bill 333 passed the first reading and was referred to the Committee On Rules, Calendar and Operations of the House.
March 14, 2011	Senate Bill 322 passed the first reading and was referred to Committee On Rules and Operations of the Senate.
March 14, 2011	Students present at Bulldawg Marketing.
March 22, 2011	Students present at Lake Norman Elementary Family Night.
March 23, 2011	Bulldawg Marketing sponsors Karsyn Elledge's Mini-Outlaw Kart as #333 in support of this project.
March 25, 2011	Students participate in opening night ceremonies at Ace Speedway in Elon.
April 9, 2011	Students attend the Pro All-Star Series race at North Wilkesboro Speedway.
April 12, 2011	State Symbol "Rally to Raleigh" held at Lake Norman Elementary with Kelley Earnhardt and her daughter Karsyn Elledge (granddaughter of Dale Earnhardt).
April 15, 2011	Mooresville Weekly prints an article called, "Students Rally Behind Stock Car Racing Bill", it can be found online at http://mooresvilleweekly.com/education/2011/04/students-rally-behind-stock-car-racing-bill/
April 20, 2011	Student present to North Carolina General Assembly Committee On Rules, Calendar, and Operations of the House.

Timeline of our State Symbols Project

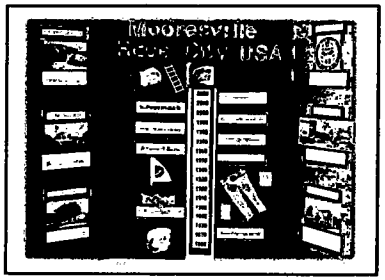
Date	Event
1995	4th grade students in Wilson county work to get the Sweet Potato passed as the official state vegetable- This inspires Mrs. Gambill to want to work with her 4th graders to pass a new state symbol.
2000	Mrs. Gambill and her class consider a project to get the apple passed as the official state fruit.
2001	The Scuppernong grape becomes the official state fruit.
School Year 2008-2009	Mrs. Gambill and her class (with Tanner Orr and Maria Meyerhoefer) consider a project to get stock car racing to become the official state sport.
October 2009	Mrs. Gambill and Miss Brinkley visit with Representative Grey Mills to see if he would consider supporting this idea in NC Legislature. He agrees, but says that no new bills can be introduced in the 2010 short session.
March 2010	4th grade teachers at LNE, upon learning the idea, agree to make the project a grade level project.
May 12, 2010	Students from each 4th grade class at LNE applied to be part of the project by writing an essay.
May 3, 2010	Eleven (11) 4th graders and two (2) 5th graders were chosen to be part of the project to make stock car racing the official state sport of NC.
May 17, 2010	Parent and student introduction to the project.
May 19, 2010	Students divide into research groups: State Symbols, Mooresville, History of Stock Car Racing, People of Stock Car Racing, Racetracks of NC and Economic Impact of Racing in NC.
May 24, 2010	Students visit The NC Auto Racing Hall of Fame and Rousch Racing Shop in Mooresville, NC.
July 21, 2010	Students visit the NASCAR Hall of Fame in Charlotte, NC.
July 27, 2010	Tanner and Maria interview Dr. Craig Depkin, Associate Professor of Economics at UNC-Charlotte.
May 2010-December 2010	Students stay 90 minutes after school 2 times per week to work on research, display boards and speeches.
September 20, 2010	Students visit NASCAR Technical Institute and JR Motorsports in Mooresville, NC.
September 22, 2010	Students visit Mooresville Museum, North Carolina Auto Walk of Fame and Cotton Ketchie's Landmark Gallery in Mooresville, NC.
October 6, 2010	N.C. Representative Grey Mills visits the students at LNE to explain the process of having a bill become a law. Mooresville Mayor Chris Montgomery visits the students at LNE to learn about our project and show support.
December 7, 2010	Maria presents project to students in Dr. Depkin's Sport Economics Class at UNCC.
December 2010	Logo created for the Pit Crew by Nicole Kenney
January 3, 2011	Iredell-Statesville Schools Director of Public Relations, Dawn Creason visits LNE to explain how she can help publicize our project.
January 20, 2011	Students present project at the Iredell-Statesville Schools Board Meeting and receive a unanimous endorsement of support from the board.
January 26, 2011	The 2011 North Carolina General Assembly convenes. Grey Mills submits our idea to The Legislative Services Commission's Bill Drafting Division.

State Symbol Project Team

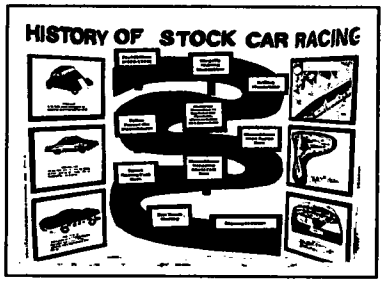
Driver	*Nettie Gambill*
Sponsors	*Sara Collin*
	Sharon Gulledge
	Bethany Orr
Crew Chiefs	*Maria Meyerhoefer*
	Tanner Orr
Pit Crew	*Makenna Alberse*
	Sierra Bice
	Daniel Bonomo
	Derrick Easter
	Sloan Edemann
	Kaitlin Greene
	Alexa Koures
	Lajja Pancholy
	Madison Sommer
	Billy Witherell
	Noah Wolfe
Fans	*Parents*



- We currently have 38 state symbols that represent our state's history, heritage, people and places.
- Part of 4th grade curriculum includes learning about state symbols; we were inspired by other 4th graders who worked to have the sweet potato as the state vegetable.



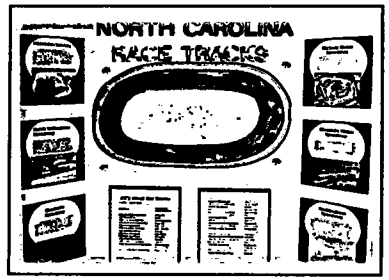
- Mooresville's nickname is Race City USA due to the number of race shops, facilities and residents employed by the racing industry.
- Mooresville is the home of the Auto Racing Hall of Fame and the Racing Walk of Fame.



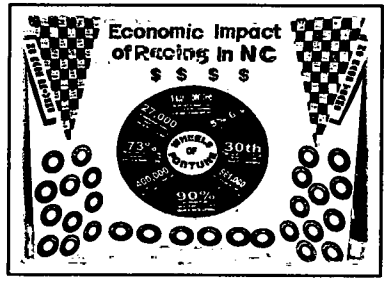
- Prohibition led to the making and selling of moonshine in North Carolina.
- Fast cars led to fun and entertainment of racing against each other.



- The first 3 stock car drivers inducted into the NASCAR Hall of Fame were native North Carolinians (Richard Petty, Dale Earnhardt and Junior Johnson).
- Many famous drivers are from NC including Dale Jarrett, Brian Vickers and Dale Earnhardt Jr.



- There are many types of race tracks found in North Carolina (dirt, concrete and asphalt).
- There are over 30 tracks in NC.
- Charlotte Motor Speedway hosts the largest single sporting event in NC, the Coca-Cola 600.
- The first NASCAR race was at Charlotte Speedway in NC.



- Racing has created over 20,000 jobs in NC.
- Racing brings in over $6 billion dollars to the NC economy each year.
- 90% of all race teams are located in NC.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 333 A BILL TO BE ENTITLED AN ACT TO ADOPT STOCK CAR RACING AS THE OFFICIAL SPORT OF NORTH CAROLINA.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 645
PROPOSED COMMITTEE SUBSTITUTE H645-CSSH-10 [v.1]

4/20/2011 12:59:17 PM

Short Title: Authorize Adult Day/Overnight Respite Program. (Local)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ADULT DAY CARE/OVERNIGHT RESPITE PROGRAMS IN CLEVELAND COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 131D-6(b) reads as rewritten:

"(b) As used in this section "adult day care program" means the provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled.

As used in this section "adult day/overnight respite program" means a program that is inspected and certified by the Department as eligible to provide 24-hour group care and supervision to adults who may be physically or mentally disabled. This 24-hour care must be provided by a certified adult day care combination program that provides both the health and social model or in an adult day health program and shall not exceed 14 consecutive calendar days, or more than 60 total calendar days during a 365-day period. The provision of this service does not obligate the State to pay for any services not already authorized.

The Department of Health and Human Services shall annually inspect and certify all adult day care ~~programs,~~ programs and adult day/overnight respite programs, under rules adopted by the Social Services Commission. The Social Services Commission shall adopt rules to protect the health, safety, and welfare of persons in adult day care ~~programs.~~ programs and adult day/overnight respite programs. These rules shall include minimum standards relating to management of the program, staffing requirements, building requirements, fire safety, sanitation, nutrition, and program activities. Adult day care programs are not required to provide transportation to participants; however, those programs that choose to provide transportation shall comply with rules adopted by the Commission for the health and safety of participants during transport.

The Department of Health and Human Services shall enforce the rules of the Social Services Commission."

SECTION 1.(b) This act applies to Cleveland County only.

SECTION 2. The Social Services Commission shall adopt rules to establish adult day care/overnight respite programs.

SECTION 3. Section 1 of this act becomes effective January 1, 2012; the remainder of this act is effective when it becomes law.

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE RULES

DATE: APRIL 20, 11 Room: 1228

*Name: Cooper Blackwell

County: Edgecombe

Sponsor: Jean Farmer-Butterfield

*Name: Alexis Barfield

County: New Hanover

Sponsor: Susi Hamilton

*Name:

unty:

Sponsor:

*Name:

County:

Sponsor:

*Name:

County:

Sponsor:

House Sgt-At Arms:

1. Name: JOHN BRANDON
2. Name: FRED HINES
3. Name: YOUNG BAE
4. Name:
5. Name:
6. Name:

RULES

April 30th 11 1979-8

John Branson
Fred Hines
Young Bae

VISITOR REGISTRATION SHEET

Business / Labor
Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Stark	NCBA
Nettie Dambrell	ISS
Sharon Hubbard	ISS
Bobbie Orr	ISS
Sara Collins	ISS
[illegible]	ISS
Kelsey Earnhardt	ISS
Jagruti Pancholy	ISS
Carol Edens	ISS
Bill Withers II	ISS
Angelica Withers	ISS

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Boen Nutting	Iredell-Statesville Schools
Betty Sue Yoes	" " "
JG Crumley	~~AFRMA~~
Clark Brown	Davidson
Dodd Jr	Davidson County Commissione
Rhett Rosenbury	Mooresville Commissioner

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Easter	FSS
Diane Easter	ISS
Carla Easter	ISS
Sean Greene	ISS
Ashley Wolfe	ISS
Lisa Wolfe	ISS
Karen Ray	NCMA

VISITOR REGISTRATION SHEET

Rules — 4/20/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Stovall	Dept. of Correction
Jennifer Hoffman	OSBM
Kirsten Crossman	OSBM
Wanda Benson	General Assembly
Linda Powell-Sores	NC Assoc. of Educators
Scott Satterfield	SELF
Justin Vick	Mooresville Weekly
Linda Gunter	NCAE
Martin Wolfe	Lake Norman Elem.
Cheryl Abee	LWV
Jennifer Kowres	Lake Norman Elem.

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
May 2, 2011

The Committee on Rules, Calendar and Operations of the House met on May 2, 2011 at 9:20 p.m. in Room 1328 of the Legislative Building. The following members were present: Representative Moore Chair, Representative LaRoque Chair, Representative Owens Vice Chair; Representatives Alexander, Crawford, Daughtry, Faison, Hackney, Hilton, Jeffus, Johnson, Luebke, Moffitt, Parmon, Samuelson, Stam, and Stone.

Rep. Tim Moore presided and recognized the Sergeant-at-Arms and Pages.

The Following Bill was considered:

HB-845. Reform Annexation Laws. (Representatives LaRoque, Dollar, and Owens, Primary Sponsors) Representative Owens was recognized and made a motion to place a PCS before the committee. Representative LaRoque was recognized to explain the bill. Discussion and debate. Rep. Owens motioned for a favorable report to the PCS, unfavorable to the original to be re-referred to finance. Rep. Stone second the motion. Vote was called. Motion passed.

Chair Moore adjourned at 9:34 p.m.

Respectfully submitted:

Rep. Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, May 2, 2011
TIME: 15 Minutes After Session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 845	Reform Annexation Laws.	Representative LaRoque Representative Dollar Representative Owens, Jr.

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **6 PM** o'clock on **May 02, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

15 Minutes After Session

May 2, 2011

1328 LB

Representative Tim Moore Presiding

Remarks:

HB 845	Reform Annexation Laws.	Representative LaRoque Representative Dollar Representative Owens

Adjourn

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	5.2.21														
Rep. Stephen LaRoque Chair	✓														
Rep. Tim Moore Chair	✓														
Rep. Bill Owens Vice Chair	✓														
Rep. Johnathan Rhyne Vice Chair															
Rep. Martha Alexander	✓														
Rep. John Blust															
Rep. Jim Crawford															
Rep. Leo Daughtry	✓														
Rep. Bill Faison	✓														
Rep. Jean Farmer- Butterfield															
Rep. Dale Folwell	✓														
Rep. Mitch Gillsepie															
Rep. Joe Hackney	✓														
Rep. Dewey Hill															
Rep. Mark Hilton	✓														
Rep. Maggie Jeffus	✓														
Rep. Linda Johnson	✓														
Rep. Paul Luebke	✓														
Rep. Danny McComas															
Rep. Tim Moffitt	✓														
Rep. Earline Parmon	✓														
Rep. Ruth Samuelson	✓														
Rep. Paul Stam	✓														
Rep. Mike Stone	✓														
Kory Goldsmith	✓														
Bill Patterson	✓														
Kelly Quick	✓														

PCS for House Bill 845: Reform Annexation Laws

CURRENT SITUATION

"Involuntary Annexation": For the past 50 years, towns and cities in our state have had broad un-checked powers at their disposal to force rural and suburban residents into their incorporated area. Often the amount of tax revenues they collect exceed the value of the service provided, **IF** those services promised are provided at all.

REFORM

Changes involuntary annexation process to annexation protocols **regardless of size.**

Also makes changes to annexation process

PROTOCOL

Prerequisites

- Must comply with statute for urban density
- A plan must be in place to provide **Police, Fire, Solid Waste, & Street Maintenance** at time of annexation if those services are provided currently.
- A plan must be in place to provide **Water & Sewer** within 3.5 years
- Annexed area must be **adjacent** or **contiguous** to municipal boundaries
- Annexed area **cannot** be a part of another municipality

Boundary Protocols

- Must use current property lines and streets as boundaries
- Must include **entire parcels of deeded property,** cannot split property into pieces
- Can **NOT** use connecting corridor consisting of a street or right-of-way to establish contiguity

Procedure as follows:

Resolution of Consideration: Between 1-2 years prior to resolution of intent

Resolution of Intent: 1-2 years after resolution of consideration

Public Informational Meeting: 45-55 days after resolution of intent

Public Hearing: 130-150 days after public informational meeting

Annexation Ordinance: 10-90 days after public hearing – **Must set effective date June 30th of either current or following year.**

Petition to Deny Annexation: If 60% of property owners have signed petition, then the annexation is terminated and the municipality cannot begin annexation procedures for that area for another ~~24~~ 36 months.

The municipality may not charge, for any reason, any property owner within the area described in the annexation ordinance, for the installation or use of the water or sewer system unless that property owner is, or has requested to become, a customer of the water and sewer system.

Citizens can also petition for abatement of taxes if services are not provided.

Municipalities must provide water and sewer connections at no charge if the majority of taxpayers opt in; a major deterrent to the massive involuntary annexations of the past.

~~Law~~ Bill becomes effective ~~July 1, 2011~~. Upon becoming law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 845
PROPOSED COMMITTEE SUBSTITUTE H845-CSRCx-18 [v.9]

Short Title: Annexation Reform Act of 2011. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO REFORM THE INVOLUNTARY ANNEXATION LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 4A of Chapter 160A of the General Statutes is repealed.

SECTION 2. G.S. 160A-49.1 is recodified as G.S. 160A-58.57 under Part 7 of Article 4A of Chapter 160A of the General Statutes, as created by Section 8 of this act.

SECTION 3. G.S. 160A-49.2 is recodified as G.S. 160A-58.58 under Part 7 of Article 4A of Chapter 160A of the General Statutes, as created by Section 8 of this act.

SECTION 4. G.S. 160A-49.3 is recodified as G.S. 160A-58.59 under Part 7 of Article 4A of Chapter 160A of the General Statutes, as created by Section 8 of this act.

SECTION 5. G.S. 160A-51 is recodified as G.S. 160A-58.61 under Part 7 of Article 4A of Chapter 160A of the General Statutes, as created by Section 8 of this act.

SECTION 6. G.S. 160A-52 is recodified as G.S. 160A-58.62 under Part 7 of Article 4A of Chapter 160A of the General Statutes, as created by Section 8 of this act.

SECTION 7. Part 3 of Article 4A of Chapter 160A is repealed.

SECTION 8. Article 4A of Chapter 160A of the General Statutes is amended by adding a new Part 7 to be entitled "Annexations Initiated by Municipalities."

SECTION 9. Part 7 of Article 4A of Chapter 160A of the General Statutes, as created by Section 8 of this act and as amended by Sections 2, 3, 4, 5, and 6 of this act, reads as rewritten:

"Part 7.

"Annexations Initiated by Municipalities.

"**§ 160A-58.50. Declaration of policy.**

It is hereby declared as a matter of State policy:

(1) That sound urban development is essential to the continued economic development of North Carolina.

(2) That municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety, and welfare in areas being intensively used for residential, commercial, industrial, institutional, and governmental purposes or in areas undergoing such development.

(3) That municipal boundaries should be extended in accordance with legislative standards applicable throughout the State to include such areas and to

provide the high quality of governmental services needed therein for the public health, safety, and welfare.

(4) That areas annexed to municipalities in accordance with such uniform legislative standards should receive the services provided by the annexing municipality.

(5) That the provision of services to protect the health, safety and welfare is a public purpose.

(6) That it is essential for citizens to have an effective voice in annexations initiated by municipalities.

"**§ 160A-58.51. Definitions.**

As used in this Part, the following terms shall mean:

(1) Contiguous area. – Any area which, at the time annexation procedures are initiated, either abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street right-of-way, a creek or river, the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity.

(1a) Eligible property owner – A property owner who is eligible to sign a petition to deny an annexation ordinance or a property owner who is eligible to be notified of the opportunity to have water lines and sewer lines and connections installed at no cost to the property owner. A property owner is eligible to sign a petition to deny an annexation ordinance if the property owner held a fee interest in the property, determined as of the date of the resolution of consideration. A property owner is eligible to be notified of the opportunity to have water lines and sewer lines and connections installed at no cost to the property owner if that property owner held a freehold interest in the real property to be annexed as of the date of the combined notice of public informational meeting and public hearing.

(2) Necessary land connection. – An area that does not exceed twenty-five percent (25%) of the total area to be annexed.

(3) Property owner. – Any person having a freehold interest in real property.

(4) Used for residential purposes. – Any lot or tract five acres or less in size on which is constructed a habitable dwelling unit.

"**§ 160A-58.52. Authority to annex.**

The governing board of any municipality may extend the corporate limits of such municipality under the procedure set forth in this Part.

"**§ 160A-58.53. Prerequisites to annexation.**

A municipality exercising authority under this Part shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing provided for in G.S. 160A-58.55, prepare a report setting forth such plans to provide services to the area proposed to be annexed. The report shall include the following:

(1) A map or maps of the municipality and adjacent territory to show the following information:

a. The present and proposed boundaries of the municipality.

b. The present major trunk water mains and sewer interceptors and outfalls, and the proposed extensions of such mains, outfalls, and lines as required in subdivision (3) of this section. The water and sewer map shall bear the seal of a registered professional engineer.

c. The general land use pattern in the area proposed to be annexed.

(2) A statement showing that the area proposed to be annexed meets the requirements of G.S. 160A-58.54.

(3) A statement setting forth the plans for extending to the area proposed to be annexed each major municipal service on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation and the method to finance the extension of major municipal services into the area proposed to be annexed as follows:

a. Provision of police protection, fire protection, solid waste collection, and street maintenance services on the effective date of annexation. A contract with a rural fire department to provide fire protection shall be an acceptable method of providing fire protection. A contract with a private firm to provide solid waste collection services shall be an acceptable method of providing solid waste collection services.

b. Extension of water and sewer services to each lot or parcel, with a proposed timetable for construction of such mains, outfalls, and lines within three and one-half years of the effective date of annexation, in accordance with G.S. 160A-58.56.

(4) A statement of the impact of the annexation on any rural fire department providing service in the area proposed to be annexed and a statement of the impact of the annexation on fire protection and fire insurance rates in the area proposed to be annexed, if the area where service is provided is in an insurance district designated under G.S. 153A-233, a rural fire protection district under Article 3A of Chapter 69 of the General Statutes, or a fire service district under Article 16 of Chapter 153A of the General Statutes. The rural fire department shall make available to the municipality not later than 30 days following a written request from the municipality all information in its possession or control, including operational, financial, and budgetary information, necessary for preparation of a statement of impact. The municipality shall, in a timely fashion, supply the rural fire department with information requested by the rural fire department to respond to the written request. The rural fire department forfeits its rights under G.S. 160A-58.57 if it fails to make a good faith response within 45 days following receipt of the written request for information from the municipality, provided that the municipality's written request so states by specific reference to this subsection.

(5) A statement showing how the proposed annexation will affect the municipality's finances and services, including municipal revenue change estimates. This statement shall be delivered to the clerk of the board of county commissioners at least 30 days before the date of the public informational meeting on any annexation under this Part.

"**§ 160A-58.54. Character of area to be annexed.**

(a) A municipal governing board may extend the municipal corporate limits to include any area that meets all of the following criteria:

(1) It shall be adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun, except if the entire territory of a county water and sewer district created under G.S. 162A-86(b1) is being annexed, the annexation shall also include any noncontiguous pieces of the district as long as the part of the district with the greatest land area is adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) At least one-eighth of the aggregate external boundaries of the area shall coincide with the municipal boundary.

(3) No part of the area shall be included within the boundary of another incorporated municipality.

(4) The total area to be annexed shall meet the requirements of any of the following:

a. Part or all of the area to be annexed must be developed for urban purposes at the time of approval of the report provided for in G.S. 160A-58.53. The area of streets and street rights-of-way shall not be used to determine total acreage under this subdivision. An area developed for urban purposes is defined as any area which meets any one of the following standards:

1. Has a total resident population equal to at least two and three-tenths persons for each acre of land included within its boundaries.

2. Has a total resident population equal to at least one person for each acre of land included within its boundaries, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage consists of lots and tracts three acres or less in size and such that at least sixty-five percent (65%) of the total number of lots and tracts are one acre or less in size.

3. Is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts three acres or less in size.

4. Is the entire area of any county water and sewer district created under G.S. 162A-86(b1), if all of the following apply:

I. The municipality has provided in a contract with that district that the area is developed for urban purposes.

II. The contract provides for the municipality to operate the sewer system of that county water and sewer district.

III. The municipality is annexing in one ordinance the entire territory of the district not already within the corporate limits of a municipality.

5. Is so developed that, at the time of the approval of the annexation report, all tracts in the area to be annexed are used for commercial, industrial, governmental, or institutional purposes.

b. Part or all of the area to be annexed meets either of the following:

1. Lies between the municipal boundary and an area developed for urban purposes so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending major

municipal services, including water or sewer lines, through such sparsely developed area.

2. Is adjacent, on at least sixty percent (60%) of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in sub-subdivision a. of this subsection. The purpose of this sub-subdivision is to permit municipal governing boards to extend corporate limits to include all nearby areas developed for urban purposes and where necessary to include areas which at the time of annexation are not yet developed for urban purposes but which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

c. The total area to be annexed is completely surrounded by the municipality's primary corporate limits.

(b) In fixing new municipal boundaries, a municipal governing board shall comply with all the following:

(1) Use recorded property lines and streets as boundaries. Some or all of the boundaries of a county water and sewer district may also be used when the entire district not already within the corporate limits of the municipality.

(2) Use whole parcels of property in that if any portion of that parcel is included, the entire parcel of real property as recorded in the deed transferring title shall be included.

(3) Not use a connecting corridor consisting solely of a street or street right-of-way to establish contiguity.

(4) Not consider property in use for a commercial, industrial, institutional, or governmental purpose if the lot or tract is used only temporarily, occasionally, or on an incidental or insubstantial basis in relation to the size and character of the lot or tract.

(5) Include acreage actually occupied by buildings or other man-made structures together with all areas that are reasonably necessary and appurtenant to such facilities for purposes of parking, storage, ingress and egress, utilities, buffering, and other ancillary services and facilities when determining acreage in use for commercial, industrial, institutional, or governmental purposes.

(6) Consider the area of an abolished water and sewer district to be a water and sewer district for the purpose of this section even after its abolition under G.S. 162A-87.2(b).

"**§ 160A-58.55. Procedure for annexation.**

(a) Resolution of Consideration. – Any municipal governing board desiring to annex territory under the provisions of this Part shall first pass a resolution of consideration identifying the area under consideration for annexation by either a metes and bounds description or a map. The resolution of consideration shall remain effective for two years after adoption and be filed with the municipal clerk. A new resolution of consideration adopted before expiration of the two-year period for a previously adopted resolution covering the same area shall relate back to the date of the previous resolution. Adoption of a resolution of consideration shall not confer prior jurisdiction over the area as to any other municipality.

(b) Notice of Resolution of Consideration. – A notice of the adoption of the resolution of consideration shall be published once a week for two successive weeks, with each publication being on the same day of the week, in a newspaper having general circulation in the

municipality. The second publication shall be no more than 30 days following adoption of the resolution of consideration. The resolution of consideration shall contain a map or description of the area under consideration and a summary of the annexation process and time lines. A copy of the resolution of consideration shall be mailed within 30 days after the adoption of the resolution of consideration by first class mail to the property owners of real property located within the area under consideration for annexation as shown by the tax records of the county.

(c) Resolution of Intent. – At least one year after adoption of the resolution of consideration, the municipal governing body may adopt a resolution of intent of the municipality to proceed with the annexation of some or all of the area described in the resolution of consideration. The resolution of intent shall describe the boundaries of the area proposed for annexation, fix a date for a public informational meeting, and fix a date for a public hearing on the question of annexation. The date for the public informational meeting shall be not less than 45 days and not more than 55 days following passage of the resolution of intent. The date for the public hearing shall be not less than 130 days and not more than 150 days following passage of the resolution of intent.

(d) Notice of Public Informational Meeting, Public Hearing, and Opportunity for Water and Sewer. – A combined notice of public informational meeting and public hearing shall be issued as provided for in this subsection as follows:

(1) The notice shall be a combined notice that includes at least all of the following:
   a. The date, hour, and place of the public informational meeting.
   b. The date, hour, and place of the public hearing.
   c. A clear description of the boundaries of the area under consideration, including a legible map of the area.
   d. A statement that the report required by G.S. 160A-58.53 is available at the office of the municipal clerk.
   e. An explanation of a property owner's rights under this section.
   f. A summary of the annexation process with time lines.
   g. A summary of available statutory remedies for denying and appealing the annexation and the failure to provide services.
   h. Information on how to request to become a customer of the water and sewer service, all forms to request that service, and the consequences of opting in or opting out, as provided in G.S. 160A-58.56.
   i. A clear description of the distinction between the public informational meeting and the public hearing.

(2) The combined notice shall be given by publication in a newspaper having general circulation in the municipality once a week for at least two successive weeks prior to the date of the public informational meeting, with each publication being on the same day of the week. The date of the last publication shall be not more than 10 days preceding the date of the public informational meeting. In addition thereto, if the area proposed to be annexed lies in a county containing less than fifty percent (50%) of the land area of the municipality, the same publication shall be given in a newspaper having general circulation in the area of proposed annexation. If there is no such newspaper, the municipality shall post the notice in at least five public places within the municipality and at least five public places in the area to be annexed for 30 days prior to the date of public informational meeting.

(3) The combined notice, together with the information about requesting water and sewer service, shall be mailed within 5 business days of the passage of the resolution of intent by first class mail to the property owners of real property located within the area to be annexed as shown by the tax records

of the county. The person or persons mailing such notices shall certify to the governing board that fact, and such certificate shall become a part of the public record of the annexation proceeding and shall be deemed conclusive in the absence of fraud. If a notice is returned to the municipality by the postal service by the tenth day before the informational meeting, a copy of the notice shall be sent by certified mail, return receipt requested, at least seven days before the informational meeting. Failure to comply with the mailing requirement of this subsection shall not invalidate the annexation unless it is shown that the requirements were not substantially complied with.

(4) If the governing board by resolution finds that the tax records are not adequate to identify the property owners within the area to be annexed after exercising reasonable efforts to locate the property owners, it may, in lieu of the mail procedure required by subdivision (3) of this subsection, post the notice at least 30 days prior to the date of the public informational meeting on all buildings, on such parcels, and in at least five other places within the area to be annexed as to those parcels where the property owner could not be so identified. In any case where notices are placed on property, the person placing the notice shall certify that fact to the governing board.

(e) Action Prior to Informational Meeting. – At least 30 days before the date of the public informational meeting, the municipal governing board shall do all of the following:

(1) Approve the report provided for in G.S. 160A-58.53.

(2) Prepare a summary of the approved report for public distribution.

(3) Post in the office of the clerk all of the following:

a. The approved report provided for in G.S. 160A-58.53.

b. The summary of the approved report.

c. A legible map of the area to be annexed.

d. The list of the property owners, and associated mailing addresses, in the area to be annexed that the municipality has identified and mailed notice.

e. Information for property owners on how to request to become a customer of the water service or sewer service and all forms to request that service.

(4) If the municipality has a Web site, post on that Web site all of the information under this section together with any forms to apply for water and sewer service.

(5) Prepare a summary of the substantive remedies for denying and appealing the annexation for public distribution.

(f) Public Informational Meeting. – At the public informational meeting, a representative of the municipality shall first make an explanation of the report required in G.S. 160A-58.53 and an explanation of the provision of major municipal services. The explanation of the provision of services shall include how to request water service or sewer service to individual lots, the average cost of a residential connection to the water and sewer system, and the opportunity for a credit in the amount of that average cost of a residential connection under G.S. 160A-58.56. A summary of the annexation process with time lines, a summary of available statutory remedies for denying and appealing the annexation, an explanation of the provision of services, and information for requesting water service or sewer service to individual lots and any forms to so request shall also be distributed at the public informational meeting. Following such explanation, all property owners and residents of the area proposed to be annexed as described in the notice of public informational meeting and

hearing, and all residents of the municipality shall be given the opportunity to ask questions and receive answers regarding the proposed annexation.

(g) Public Hearing. – At the public hearing, a representative of the municipality shall first make an explanation of the report required in G.S. 160A-58.53. Following such explanation, all property owners and residents of the area proposed to be annexed as described in the notice of public informational meeting and hearing, and all residents of the municipality, shall be given an opportunity to be heard.

(h) Passage of the Annexation Ordinance. – The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-58.53 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-58.53. At any regular or special meeting held no sooner than the tenth day following the public hearing and not later than 90 days following the public hearing, the governing board shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or part, of the area described in the notice of public hearing which the governing board has concluded should be annexed. The annexation ordinance shall:

(1) Contain specific findings showing that the area to be annexed meets the requirements of G.S. 160A-58.54.

(2) Describe the external boundaries of the area to be annexed by metes and bounds.

(3) Include a statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by G.S. 160A-58.53 and a timeline for the provision of those services.

(4) Contain a specific finding that on the effective date of annexation, the municipality will have funds appropriated in sufficient amount to finance construction of any water and sewer lines stated in the report required by G.S. 160A-58.53 to extend the water and sewer services into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue bonds in an amount sufficient to finance such construction. If authority to issue such bonds shall be secured from the electorate of the municipality prior to the effective date of annexation, then the effective date of annexation shall be no earlier than the day following the statement of the successful result of the bond election.

(5) Fix the effective date for annexation as June 30 next following the adoption of the ordinance or as the June 30 of the year following the adoption of the ordinance, but not before the completion of the water and sewer request and petition to deny and appeal periods are complete.

(6) Together, with the list of the property owners within the area described in the annexation ordinance to which a notice was mailed under subsection (d) of this section, be delivered within five business days to the county tax assessor of the county in which a majority of the municipality lies.

(7) Be summarized, and sent in accordance with subsection (i) of this section, to the list of the property owners within the area described in the annexation ordinance to which a notice was mailed under subsection (d) of this section together with a blank petition form, preprinted with name and address of the property owner.

(8) If a public body has a Web site, conspicuously post a copy of the petition to deny annexation ordinance that a property owner in the real property located within the area described in the annexation ordinance may download, complete and return to the county tax assessor in accordance with subsection (i) of this section.

(i) Petition to Deny Annexation Ordinance. – If the tax assessor delivers to the municipal governing board petitions signed by at least sixty percent (60%) of the eligible property owners of the real property located within the area described in the annexation ordinance as provided in this subsection, the annexation shall be terminated and the municipality may not adopt a resolution of consideration for the area described in the annexation ordinance for at least 36 months. Upon receipt of the annexation ordinance and a list of property owners of the real property located within the area, the county tax assessor shall prepare petitions for property owners of the real property located within the area described in the resolution of intent to sign opposing the annexation ordinance. The tax assessor shall mail a petition to the address of record for those real property owners within five business days of receipt from the municipality of the list. If a petition is returned as undeliverable to the tax assessor, the assessor shall send the petition return receipt requested. If the petition is returned again, the tax assessor shall not include that property owner in the total number of eligible property owners. The tax assessor shall provide two methods by which property owners of the real property located within the area described in the annexation ordinance may sign a petition form prepared by the tax assessor: (i) in person, or (ii) by submitting the signed petition form by mail. If the signed petition is one that was mailed under subdivision (h)(7) of this section and the signer is not the same as the preprinted name on the form, the signed petition shall be notarized and accompanied by a copy of the legal authority for the signature of the person signing a petition. The tax assessor shall also accept signatures signed on a petition form prepared by the tax assessor, but collected by another, if that petition form is returned to tax assessor in a sealed container. The tax assessor shall accept signatures on the petition until 130 days after the adoption of the annexation ordinance. If there is a change in ownership of real property from the time of the notice of consideration until 30 days after the date of the adoption of the annexation ordinance, the new owner of the real property shall be considered an eligible owner of real property. The determination of the results of the petition period shall be observed by 3 persons from the area proposed for annexation, and 3 person designated by the municipality. Within 10 business days after the close of the signature period, the tax assessor shall certify to the municipal governing body the number of signatures of property owners of the real property located within the area described in the annexation ordinance. This subsection shall not apply to any property owner of real property located within the area described in the annexation ordinance that is completely surrounded by the municipality's primary corporate limits.

(j) Effect of Annexation Ordinance. – Except as provided in subsection (k) of this section, from and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality.

(k) Property Subject to Present-Use Value Appraisal. – If an area described in an annexation ordinance includes agricultural land, horticultural land, or forestland that meets either of the conditions listed below on the effective date of annexation, then the annexation becomes effective as to that property pursuant to subsection (l) of this section:

(1) The land is being taxed at present-use value pursuant to G.S. 105-277.4.

(2) The land meets both of the following conditions:

a. On the date of the resolution of intent for annexation it was being used for actual production and is eligible for present-use value taxation under G.S. 105-277.4, but the land had not been in use for actual production for the required time under G.S. 105-277.3.

b. The assessor for the county where the land subject to annexation is located has certified to the municipality that the land meets the requirements of this subdivision.

(l) Effective Date of Annexation for Certain Property. – Annexation of property subject to annexation under subsection (j) of this section becomes effective as provided in this subsection:

(1) Upon the effective date of the annexation ordinance, the property shall be considered part of the municipality only (i) for the purpose of establishing municipal boundaries for additional annexations pursuant to this Article and (ii) for the exercise of municipal authority pursuant to Article 19 of this Chapter.

(2) For all other purposes, the annexation becomes effective as to each tract of the property or part thereof on the last day of the month in which that tract or part thereof becomes ineligible for classification pursuant to G.S. 105-277.4 or no longer meets the requirements of subdivision (k)(2) of this section. Until annexation of a tract or a part of a tract becomes effective pursuant to this subsection, the tract or part of a tract is not subject to taxation by the municipality under Article 12 of Chapter 105 of the General Statutes nor is the tract or part of a tract entitled to services provided by the municipality. Upon the effective date of annexation, taxation of real and personal property is subject to the provisions of G.S. 160A-58.10.

(m) Simultaneous Annexation Proceedings. – If a municipality is considering the annexation of two or more areas which are all adjacent to the municipal boundary but are not adjacent to one another, it may undertake simultaneous proceedings under authority of this Part for the annexation of such areas.

(n) Remedies for Failure to Provide Services. – If, not earlier than 30 days from the effective date of annexation, and not later than 15 months from the effective date of annexation, any property owner in the annexed territory shall believe that the municipality has not followed through providing services as set forth in the report adopted under G.S. 160A-58.53 and subsection (e) of this section, the property owner may apply for a writ of mandamus under the provisions of Article 40 of Chapter 1 of the General Statutes. Relief may be granted by the judge of superior court if the municipality has not provided the services set forth in its plan submitted under the provisions of G.S. 160A-58.53(3)a. on substantially the same basis and in the same manner as such services were provided within the rest of the municipality prior to the effective date of annexation and those services are still being provided on substantially the same basis and in the same manner within the original corporate limits of the municipality. If a writ is issued, costs in the action, including a reasonable attorney's fee for such aggrieved property owner, shall be charged to the municipality.

(o) Reports to the Local Government Commission and Abatement of Ad Valorem. – The municipality shall report to the Local Government Commission as follows:

(1) As to whether police protection, fire protection, solid waste, and street maintenance services were provided in accordance with G.S. 160A-58.53(3)a. within 30 days after the effective date of the annexation. Such report shall be filed no more than 30 days following the expiration of the 30-day period. If the Local Government Commission determines that the municipality failed to deliver police protection, fire protection, solid waste services, or street maintenance services as provided for in G.S. 160A-58.53(3)a. within 30 days after the effective date of the annexation, the Local Government Commission shall notify the municipality that the municipality may not count any of the residents as part of the population of the municipality for the purpose of receiving any State, federal, or county dollars distributed based on population until all of the services are provided.

(2) As to whether the extension of water and sewer lines was completed within the time period specified in G.S. 160A-58.53(3), within 30 days after the effective date of the annexation ordinance, and again within three and one-half years of the effective date of the annexation ordinance or upon the completion of the installation, whichever occurs first. If the municipality failed to deliver either water or sewer services, or both, as provided for in G.S. 160A-58.53(3)b. within three and one-half years after the effective date of the annexation, the municipality shall stop any other annexations in progress and may not begin any other annexation until the water and sewer services are provided. The municipality shall adopt a resolution of consideration to begin again any annexation that is stopped due to this subdivision.

"**§ 160A-58.56. Provision of water and sewer service.**

(a) The municipality shall provide water and sewer service to the annexed area within three and one-half years of the effective date of the annexation ordinance except as provided in subdivision (b)(4) of this section.

(b) Prior to the adoption of the annexation ordinance, the municipality shall offer to each eligible property owner of real property located within the area proposed to be annexed an opportunity to obtain water or sewer service, or both, at no cost other than periodic user fees based upon usage as follows:

(1) After passage of the resolution of intent, the property owner of real property located within the area proposed to be annexed shall be notified in writing, as provided in G.S. 160A-58.55(d), within five business days of the passage of the resolution of intent, of the opportunity to have water and sewer lines and connections installed at no cost to the property owner. The notice shall state that a request for extending water and sewer lines does not waive the right to contest the annexation. The property owners of real property located within the area proposed to be annexed shall be allowed 65 days from the date of the passage of the resolution of intent to respond yes or no to the opportunity. Any property owner of a parcel that is an existing customer of the municipality's water or sewer, whether provided by the municipality or by another public entity, shall be deemed to respond yes to the opportunity, whether or not the property owner returns the notification.

(2) At the close of the 65-day period, the municipality shall determine if a majority of the property owners of real property located within the area proposed to be annexed have responded favorably. A majority of the property owners in a single parcel of real property must respond favorably before the municipality may count that parcel of real property as responding favorably.

(3) If a majority of the property owners of the real property located within the area proposed to be annexed respond favorably, the municipality shall do all of the following:

a. Provide water and sewer lines, service lines and connections at no cost other than periodic user fees to all real property for which an owner responded favorably if the annexation ordinance is adopted. The right to receive water and sewer lines shall run with the land.

b. Notify, within five days of the close of the 65-day period under subdivision (2) of this subsection, those property owners of real property located within the area proposed to be annexed who failed to respond or responded negatively that water and sewer lines and connections that a majority of the property owners of the real

property located within the area proposed to be annexed responded favorably and offer a second opportunity for that property owner to respond favorably within 30 days.

(4) If a majority of the property owners of the real property located within the area proposed to be annexed fail to respond favorably to the offer to obtain water and sewer services made under this section, the municipality may nevertheless proceed with the annexation. If the municipality proceeds with the annexation when a majority of the property owners of the real property located within the area proposed to be annexed fail to respond favorably to the offer to obtain water and sewer services, the municipality is not required to provide water and sewer services to any property owners in the area that is annexed. If the municipality does provide water and sewer services and if a property owner requests those services, the municipality may charge the property owner for the connection to a residential lot as provided in subsection (d) of this section during the first five years following the annexation. After five years and only if connection is requested by a property owner in accordance with subsection (e) of this section, the municipality may charge for the connection according to the municipality's policy.

(c) The process required by subsection (b) of this section shall be completed by the municipality at least 30 days prior to the public hearing. The report required by G.S. 160A-58.55(d) shall include the results of the process required by subsection (b) of this section.

(d) Any property owner of the real property located within the area described in the annexation ordinance may apply to participate in the water and sewer system after the completion of the process required by subsection (b) of this section. For a property owner of real property located within the area described in the annexation ordinance applying within the first year, that property owner may be charged an amount not to exceed fifty percent (50%) of average cost of the installation of the water and sewer for a residential lot. For a property owner of real property located within the area described in the annexation ordinance applying within the second year, that property owner may be charged an amount not to exceed sixty percent (60%) of average cost of the installation of the water and sewer for a residential lot. For a property owner of real property located within the area described in the annexation ordinance applying within the third year, that property owner may be charged an amount not to exceed seventy percent (70%) of average cost of the installation of the water and sewer for a residential lot. For a property owner of real property located within the area described in the annexation ordinance applying within the fourth year, that property owner may be charged an amount not to exceed eighty percent (80%) of average cost of the installation of the water and sewer for a residential lot. For a property owner of real property located within the area described in the annexation ordinance applying within the fifth year, that property owner may be charged an amount not to exceed ninety percent (90%) of average cost of the installation of the water and sewer for a residential lot. Charges pursuant to this section shall be made when the water and sewer connection is operable.

(e) Notwithstanding Article 16 of this Chapter, the municipality may not charge, for any reason, any property owner within the area described in the annexation ordinance, for the installation or use of the water or sewer system unless that property owner is, or has requested to become, a customer of the water and sewer system.

(f) For purposes of this section, the following terms shall mean:

(1) "At no cost other than periodic user fees." – The municipality may not charge the property owner who responded favorably under subdivision (b)(3) of this section for any costs associated with the installation of the

water and sewer system. The municipality may not charge a property owner who applies to participate in the water and sewer system under subsection (d) of this section prior to the first periodic user fee charge, and on that bill shall be given a credit in an amount equal to the average installation of a connection for a residential lot.

(2) "Average installation of a connection for a residential lot." – The average of the cost for residential installations from curb to residence, including connection and tap fees, in the area described in the annexation ordinance

"§ 160A-58.57. Contract with rural fire department.

(a) If the area to be annexed described in a resolution of intent passed under ~~G.S. 160A-49(a)~~ G.S. 160A-58.55(c) includes an area in an insurance district defined under G.S. 153A-233, a rural fire protection district under Article 3A of Chapter 69 of the General Statutes, or a fire service district under Article 16 of Chapter 153A of the General Statutes, and a rural fire department was on the date of adoption of the resolution of intent providing fire protection in the area to be annexed, then the city (if the rural fire department makes a written request for a good faith offer, and the request is signed by the chief officer of the fire department and delivered to the city clerk no later than 15 days before the public hearing) is required to make a good faith effort to negotiate a five-year contract with the rural fire department to provide fire protection in the area to be annexed.

(b) If the area is a rural fire protection district or a fire service district, then an offer to pay annually for the term of the contract the amount of money that the tax rate in the district in effect on the date of adoption of the resolution of intent would generate based on property values on January 1 of each year in the area to be annexed which is in such a district is deemed to be a good faith offer of consideration for the contract.

(c) If the area is an insurance district but not a rural fire protection district or fire service district, then an offer to pay annually over the term of the contract the amount of money which is determined to be the equivalent of the amount which would be generated by multiplying the fraction of the city's general fund budget in that current fiscal year which is proposed to be expended for fire protection times the tax rate for the city in the current year, and multiplying that result by the property valuation in the area to be annexed which is served by the rural fire department is deemed to be a good faith offer of consideration for the contract; Provided that the payment shall not exceed the equivalent of fifteen cents (15¢) on one hundred dollars ($100.00) valuation of annexed property in the district according to county valuations for the current fiscal year.

(d) Any offer by a city to a rural fire department which would compensate the rural fire department for revenue loss directly attributable to the annexation by paying such amount annually for five years, is deemed to be a good faith offer of consideration for the contract.

(e) Under subsections (b), (c), or (d) of this section, if the good faith offer is for first responder service, an offer of one-half the calculated amount under those subsections is deemed to be a good faith offer.

(f) This section does not obligate the city or rural fire department to enter into any contract.

(g) The rural fire department may, if it feels that no good faith offer has been made, appeal to the Local Government Commission within 30 days following the passage of an annexation ordinance. The rural fire department may apply to the Local Government Commission for an order staying the operation of the annexation ordinance pending the outcome of the review. The Commission may grant or deny the stay in its discretion upon such terms as it deems proper, and it may permit annexation of any part of the area described in the ordinance concerning which no question for review has been raised, provided that no other appeal under ~~G.S. 160A-50~~ G.S. 160A-58.60 is pending.

(h) The Local Government Commission may affirm the ordinance, or if the Local Government Commission finds that no good faith offer has been made, it shall remand the ordinance to the municipal governing board for further proceedings, and the ordinance shall then not become effective unless the Local Government Commission finds that a good faith offer has been made.

(i) Any party to the review under subsection (h) may obtain judicial review in accordance with Chapter 150B of the General Statutes.

"§ 160A-58.58. Assumption of debt.

(a) If the city has annexed any area which is served by a rural fire department and which is in an insurance district defined under G.S. 153A-233, a rural fire protection district under Article 3A of Chapter 69 of the General Statutes or a fire service district under Article 16 of Chapter 153A of the General Statutes, then upon the effective date of annexation if the city has not contracted with the rural fire department for fire protection, or when the rural fire department ceases to provide fire protection under contract, then the city shall pay annually a proportionate share of any payments due on any debt (including principal and interest) relating to facilities or equipment of the rural fire department, if the debt was existing at the time of adoption of the resolution of intent, with the payments in the same proportion that the assessed valuation of the area of the district annexed bears to the assessed valuation of the entire district on the date the annexation ordinance becomes effective or another date for valuation mutually agreed upon by the city and the fire department.

(b) The city and rural fire department shall jointly present a payment schedule to the Local Government Commission for approval and no payment may be made until such schedule is approved.

§ 160A-58.59. Contract with private solid waste collection firms.

(a) If the area to be annexed described in a resolution of intent passed under ~~G.S. 160A-49(a)~~ G.S. 160A-58.55(c) includes an area where a firm (i) meets the requirements of subsection (a1) of this section, (ii) on the ninetieth day preceding the date of adoption of the resolution of intent or resolution of consideration was providing solid waste collection services in the area to be annexed, (iii) on the date of adoption of the resolution of intent is still providing such services, and (iv) by reason of the annexation the firm's franchise with a county or arrangements with third parties for solid waste collection will be terminated, the city shall do one of the following:

(1) Contract with the firm for a period of two years after the effective date of the annexation ordinance to allow the firm to provide collection services to the city in the area to be annexed for sums determined under subsection (d) of this section.

(2) Pay the firm for the firm's economic loss, with one-third of the economic loss to be paid within 30 days of the termination and the balance paid in 12 equal monthly installments during the next succeeding 12 months. Any remaining economic loss payment is forfeited if the firm terminates service to customers in the annexation area prior to the effective date of the annexation.

(3) Make other arrangements satisfactory to the parties.

(a1) To qualify for the options set forth in subsection (a) of this section, a firm must have done one of the following:

(1) Subsequent to receiving notice of the annexation in accordance with subsection (b) of this section, filed with the city clerk at least 10 days prior to the public hearing a written request to contract with the city to provide solid waste collection services containing a certification, signed by an officer or owner of the firm, that the firm serves at least 50 customers within the county at that time.

(2) Contacted the city clerk pursuant to public notice published by the city, pursuant to ~~G.S. 160A-49(b),~~ G.S. 160A-58.55(d) at least 10 days before the hearing and provided to the city clerk a written request to contract with the city to provide solid waste collection services. The request must contain a certification signed by an officer or owner of the firm that the firm serves at least 50 customers within the county at that time.

(a2) Firms shall file notice of provision of solid waste collection service with the city clerk of all cities located in the firm's collection area or within five miles thereof.

(b) At least four weeks prior to the date of the informational meeting, the city shall provide written notice of the resolution of intent to all firms serving the area to be annexed. The notice shall be sent to all firms that filed notice in accordance with subsection (a2) of this section by certified mail, return receipt requested, to the address provided by the firm under subsection (a2) of this section.

(c) The city may require that the contract contain:

(1) A requirement that the firm post a performance bond and maintain public liability insurance coverage;

(2) A requirement that the firm agree to service customers in the annexed area that were not served by that firm on the effective date of annexation;

(3) A provision that divides the annexed area into service areas if there were more than one firm being contracted within the area, such that the entire area is served by the firms, or by the city as to customers not served by the firms;

(4) A provision that the city may serve customers not served by the firm on the effective date of annexation;

(5) A provision that the contract can be cancelled in writing, delivered by certified mail to the firm in question with 30 days to cure substantial violations of the contract, but no contract may be cancelled on these grounds unless the Local Government Commission finds that substantial violations have occurred, except that the city may suspend the contract for up to 30 days if it finds substantial violation of health laws;

(6) Performance standards, not exceeding city standards existing at the time of notice published pursuant to G.S. 160A-49(b) with provision that the contract may be cancelled for substantial violations of those standards, but no contract may be cancelled on those grounds unless the Local Government Commission finds that substantial violations have occurred;

(7) A provision for monetary damages if there are violations of the contract or of performance standards.

(d) If the services to be provided to the city by reason of the annexation are substantially the same as rendered under the franchise with the county or arrangements with the parties, the amount paid by the city shall be at least ninety percent (90%) of the amount paid or required under the existing franchise or arrangements. If such services are required to be adjusted to conform to city standards or as a result of changes in the number of customers and as a result there are changes in disposal costs (including mileage and landfill charges), requirements for storage capacity (dumpsters and/or residential carts), and/or frequency of collection, the amount paid by the city for the service shall be increased or decreased to reflect the value of such adjusted services as if computed under the existing franchise or arrangements. In the event agreement cannot be reached between the city and the firm under this subsection, the matters shall be determined by the Local Government Commission.

(e), (f) Repealed by Session Laws 2006-193, s. 1, applicable to annexations for which a resolution of intent is adopted on or after January 1, 2007.

(g) The firm may, if it contends that no contract has been offered, appeal to the Local Government Commission within 30 days following passage of an annexation ordinance. The

firm may appeal to the Local Government Commission for an order staying the operation of the annexation ordinance pending the outcome of the review. The Commission may grant or deny the stay upon such terms as it deems proper. If the Local Government Commission finds that the city has not made an offer which complies with this section, it shall remand the ordinance to the municipal governing board for further proceedings, and the ordinance shall not become effective until the Local Government Commission finds that such an offer has been made. Either the firm or the city may obtain judicial review in accordance with Chapter 150B of the General Statutes.

(h) A firm which has given notice under subsection (a) of this section that it desires to contract, and any firm that the city believes is eligible to give such notice, shall make available to the city not later than 30 days following a written request of the city, sent by certified mail return receipt requested, all information in its possession or control, including but not limited to operational, financial and budgetary information, necessary for the city to determine if the firm qualifies for the benefits of this section and to determine the nature and scope of the potential contract and/or economic loss. The firm forfeits its rights under this section if it fails to make a good faith response within 30 days following receipt of the written request for information from the city, provided that the city's written request so states by specific reference to this section.

(i) As used in this section, the following terms mean:

(1) Economic loss. – A sum equal to 15 times the average gross monthly revenue for the three months prior to the passage of the resolution of intent or resolution of consideration, as applicable under subsection (a) of this section, collected or due the firm for residential, commercial, and industrial collection service in the area annexed or to be annexed; provided that revenues shall be included in calculations under this subdivision only if policies of the city will provide solid waste collection to those customers such that arrangements between the firm and the customers will be terminated.

(2) Firm. – A private solid waste collection firm.

"**§ 160A-58.60. Appeal.**

(a) Within 60 days following the close of the signature period under G.S. 160A-58.55(f), any property owner of real property located within the area described in the annexation ordinance who believes that property owner will suffer material injury by reason of the failure of the municipal governing board to comply with the procedure or to meet the requirements set forth in this Part as they apply to the annexation may file a petition in the superior court of the county in which the municipality is located seeking review of the action of the governing board.

(b) Such petition shall explicitly state what exceptions are taken to the action of the governing board and what relief the petitioner seeks. Within 10 days after the petition is filed with the court, the person seeking review shall serve copies of the petition by registered mail, return receipt requested, upon the municipality.

(c) Within 15 days after receipt of the copy of the petition for review or within such additional time as the court may allow, the municipality shall transmit to the reviewing court both of the following:

(1) A transcript of the portions of the municipal journal or minute book in which the procedure for annexation has been set forth.

(2) A copy of the report setting forth the plans for extending services to the annexed area as required in G.S. 160A-58.53.

(d) If two or more petitions for review are submitted to the court, the court may consolidate all such petitions for review at a single hearing, and the municipality shall be required to submit only one set of minutes and one report as required in subsection (c).

(e) At any time before or during the review proceeding, any petitioner or petitioners may apply to the reviewing court for an order staying the operation of the annexation ordinance pending the outcome of the review. The court may grant or deny the stay in its discretion upon such terms as it deems proper, and it may permit annexation of any part of the area described in the ordinance concerning which no question for review has been raised.

(f) The court shall fix the date for review of annexation proceedings under this Part, which review date shall be expeditious and without unnecessary delays. The review shall be conducted by the court without a jury. The court may hear oral arguments and receive written briefs, and may take evidence intended to show one or more of the following:

(1) That the statutory procedure was not followed.

(2) That the provisions of G.S. 160A-58.53 were not met.

(3) That the provisions of G.S. 160A-58.54 have not been met.

(4) That the provisions of G.S. 160A-58.50 have not been met.

(g) The court may affirm the action of the governing board without change, or it may order any of the following:

(1) Remand the ordinance to the municipal governing board for further proceedings if procedural irregularities are found to have materially prejudiced the substantive rights of any of the petitioners.

(2) Remand the ordinance to the municipal governing board for amendment of the boundaries to conform to the provisions of G.S. 160A-58.54 if it finds that the provisions of G.S. 160A-58.54 have not been met; provided, that the court cannot remand the ordinance to the municipal governing board with directions to add area to the municipality which was not included in the notice of public hearing and not provided for in plans for service.

(3) Remand the report to the municipal governing board for amendment of the plans for providing services to the end that the provisions of G.S. 160A-58.53 are satisfied.

(4) Declare the ordinance null and void, if the court finds that the ordinance cannot be corrected by remand as provided in subdivisions (1), (2), or (3) of this subsection.

If any municipality shall fail to take action in accordance with the court's instructions upon remand within 90 days following entry of the order embodying the court's instructions, the annexation proceeding shall be deemed null and void.

(h) Any party to the review proceedings, including the municipality, may appeal to the Court of Appeals from the final judgment of the superior court under rules of procedure applicable in other civil cases. The superior court may, with the agreement of the municipality, permit annexation to be effective with respect to any part of the area concerning which no appeal is being made and which can be incorporated into the municipality without regard to any part of the area concerning which an appeal is being made.

(i) If part or all of the area annexed under the terms of an annexation ordinance is the subject of an appeal to the superior court, Court of Appeals or Supreme Court on the effective date of the ordinance, then the ordinance shall be deemed amended to make the effective date with respect to such area the next June 30 after the following the date of the final judgment of the superior court or appellate division, whichever is appropriate, or the date the municipal governing board completes action to make the ordinance conform to the court's instructions in the event of remand. For the purposes of this subsection, a denial of a petition for rehearing or for discretionary review shall be treated as a final judgment.

(j) If a petition for review is filed under subsection (a) of this section or an appeal is filed under G.S. 160A-58.57(g) or G.S. 160A-58.59(g), and a stay is granted, then the time periods of three and one half years or G.S. 160A-58.55(n) are each extended by the lesser of the length of the stay or one year for that annexation.

(k) The provisions of subsection (i) of this section shall apply to any judicial review authorized in whole or in part by G.S. 160A-58.57(i) or G.S. 160A-58.57(g).

(l) In any proceeding related to an annexation ordinance appeal under this section, a municipality shall not state a claim for lost property tax revenue caused by the appeal. Nothing in this Article shall be construed to mean that as a result of an appeal a municipality may assert a claim for property tax revenue lost during the pendency of the appeal.

(m) Any settlement reached by all parties in an appeal under this section may be presented to the superior court in the county in which the municipality is located. If the superior court, in its discretion, approves the settlement, it shall be binding on all parties without the need for approval by the General Assembly.

(n) If a final court order is issued against the annexing municipality, costs in the action, including a reasonable attorney's fee for such aggrieved person having a freehold interest in the real property located within the area described in the annexation ordinance, may be charged to the municipality.

"§ 160A-58.61. Annexation recorded.

Whenever the limits of a municipality are enlarged in accordance with the provisions of this Part, it shall be the duty of the mayor of the municipality to cause an accurate map of such annexed territory, together with a copy of the ordinance duly certified, to be recorded in the office of the register of deeds of the county or counties in which such territory is situated and in the office of the Secretary of State. The documents required to be filed with the Secretary of State under this section shall be filed not later than 30 days following the effective date of the annexation ordinance. All documents shall have an identifying number affixed thereto and shall conform in size in accordance with rules prescribed by the Secretary. Failure to file within 30 days shall not affect the validity of the annexation. Any annexation shall be reported as part of the Boundary and Annexation Survey of the United States Bureau of the Census.

"§ 160A-58.62. Authorized expenditures.

Municipalities initiating annexations under the provisions of this Part are authorized to make expenditures for surveys required to describe the property under consideration or for any other purpose necessary to plan for the study and/or annexation of unincorporated territory adjacent to the municipality. In addition, following final passage of the annexation ordinance, the annexing municipality shall have authority to proceed with expenditures for construction of water and sewer lines and other capital facilities and for any other purpose calculated to bring services into the annexed area in a more effective and expeditious manner prior to the effective date of annexation.

"§ 160A-58.63. Population and land estimates.

In determining population and degree of land subdivision for purposes of meeting the requirements of G.S. 160A-58.54, the municipality shall use methods calculated to provide reasonably accurate results. In determining whether the standards set forth in G.S. 160A-58.54 have been met on appeal to the superior court under G.S. 160A-58.60, the reviewing court shall accept the estimates of the municipality unless the actual population, total area, or degree of land subdivision falls below the standards in G.S. 160A-58.54:

(1) As to population, if the estimate is based on the number of dwelling units in the area multiplied by the average family size in such area, or in the township or townships of which such area is a part, as determined by the last preceding federal decennial census; or if it is based on a new enumeration carried out under reasonable rules and regulations by the annexing municipality; provided, that the court shall not accept such estimates if the petitioners demonstrate that such estimates are in error in the amount of ten percent (10%) or more.

(2) As to total area if the estimate is based on an actual survey, or on county tax maps or records, or on aerial photographs, or on some other reasonably

reliable map used for official purposes by a governmental agency, unless the petitioners on appeal demonstrate that such estimates are in error in the amount of five percent (5%) or more.

(3) As to degree of land subdivision, if the estimates are based on an actual survey, or on county tax maps or records, or on aerial photographs, or on some other reasonably reliable source, unless the petitioners on appeal show that such estimates are in error in the amount of five percent (5%) or more.

SECTION 10. G.S. 160A-31 reads as rewritten:

"**§ 160A-31. Annexation by petition.**

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of_____

2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, if two thirds of the households in an area petitioning for annexation pursuant to this section have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds, the governing board of any municipality shall annex by ordinance any area one-eighth of the aggregate external boundaries of which are contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of at least seventy-five percent (75%) of the parcels of real property in that area.

(b2) The petition under subsection (b1) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of_____

2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of ~~his~~ the investigation. For petitions received under subsection (b1) or (i) of this section, the clerk shall receive the report from the Department of Revenue as provided in subsection (k) of this section before certifying the sufficiency of the petition. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

(d) At the public hearing ~~all~~ persons resident or owning property in the area described in the petition ~~to be annexed who allege an error in the petition~~ and persons resident or owning property in the municipality shall be given an opportunity to be heard, as well as residents of the municipality who question the necessity for annexation. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or on ~~any specified date within~~the June 30 after ~~six months from~~ the date of the passage of the ordinance or the June 30 of the following year after the date of passage of the ordinance.

(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by the width of a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity. In describing the area to be annexed in the annexation ordinance, the municipal governing board may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation.

(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The resolution shall contain an adequate description of the property, state that the property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published as provided in subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.

(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

(i) Using the procedures under this section, the governing board of any municipality may annex by ordinance any distressed area contiguous to its boundaries upon presentation to the governing board of a petition signed by at least one adult resident of at least two thirds of the resident households located within such area. For purposes of this subsection, a "distressed area" is defined as an area in which at least fifty-one percent (51%) of the households in the area petitioning to be annexed have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds. The municipality may require reasonable proof that the petitioner in fact resides at the address indicated.

(j) The petition under subsection (i) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned residents of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(i) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____

2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(k) For purposes of determining whether the percentage of households in the area petitioning for annexation meets the poverty thresholds under subsections (b1) and (i) of this section, the petitioners shall submit to the municipal governing board any reasonable evidence that demonstrates the area in fact meets the income requirements of that subsection. The evidence presented may include data from the most recent federal decennial census, other official census documents, signed affidavits by at least one adult resident of the household attesting to the household size and income level, or any other documentation verifying the incomes for a majority of the households within the petitioning area. Petitioners may select to submit name, address, and social security number to the clerk, who shall in turn submit the information to the Department of Revenue. Such information shall be kept confidential and is not a public record. The Department shall provide the municipality with a summary report of income for households in the petitioning area. Information for the report shall be gleaned from income tax returns, but the report submitted to the municipality shall not identify individuals or households."

SECTION 11. Article 4A of Chapter 160A of the General Statutes is amended by adding a new Part 8 to read:

"**Part 8.**

"**Recording and Reporting**

"**§ 160A-58.90. Recording and Reporting.**

(a) Annexations made under this Article shall be recorded and reported in the same manner as under G.S. 160A-29.

(b) To be enforceable, any written agreement with a person having a freehold interest in real property regarding annexation shall be recorded in the county register of deeds office in which the real property lies."

SECTION 12. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 13. This act is effective when it becomes law, and applies to annexations initiated by municipalities on or after that date and to petitions for annexation under Part 1 of Article 4A of Chapter 160A of the General Statutes presented on or after that date. Annexations initiated prior to the effective date of this act by any action under Part 2 or Part 3 of Article 4A of Chapter 160A of the General Statutes but for which an annexation ordinance has not been adopted, shall terminate and may be reinitiated in compliance with Part 7 of Article 4A of Chapter 160A of the General Statutes as enacted by this act.

HOUSE BILL 845:
Reform Annexation Laws

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	May 2, 2011
Introduced by:	Reps. LaRoque, Dollar, Owens	**Prepared by:**	Kory Goldsmith and Giles Perry Committee Counsel
Analysis of:	PCS to First Edition H845-CSRCx-18		

SUMMARY: The proposed committee substitute for House Bill 845 makes substantive changes to the involuntary annexation process for all municipalities.

CURRENT LAW: North Carolina law sets forth four basic ways in which a town or city may annex an area into its corporate limits:

- **Legislative Act.** The General Assembly has the authority to extend the boundaries of any town or city through local acts.
- **Voluntary Contiguous Annexation.** The owners of all real property in the area desiring to be annexed sign a petition requesting annexation.
- **Voluntary Satellite Annexation.** This method allows a town or city to annex a non-contiguous area into the town or city limits, with the agreement of the property owner.
- **Involuntary Annexation.** The town or city brings into the corporate limits an area that has not voluntarily agreed to be annexed through a statutorily prescribed process. The statutorily prescribed process is different for cities of less than 5,000 people than it is for larger cities.

BILL ANALYSIS:

Amends ***involuntary contiguous annexation*** in the following ways:

Section 1. Repeals the Part 2 of Article 4A of Chapter 160A of the General Statutes, Annexation of Cities of Less than 5,000.

Sections 2 – 6 recodify selected provisions of Part 3 of Article 4A of Chapter 160A of the General Statutes (Annexation by Cities of 5,000 or more) and places those provisions in a new Part 7 created in Section 8 of the bill.

Section 7 repeals the remaining provisions of Part 3 of Article 4A of Chapter 160A of the General Statutes , Annexation by Cities of 5,000 or more.

Section 8 creates a new Part 7 of Article 4A of Chapter 160A of the General Statutes to govern involuntary annexation by all municipalities in North Carolina, regardless of size.

Section 9 sets forth the procedures for annexation under the new Part 7 as follows:

- Prerequisites for Annexation
  - The area to be annexed must comply with the criteria set forth in the statute for urban density, etc.
  - A plan must be in place to provide the following services, within the time frames stated, on substantially the same basis and in the same manner as each service is provided within the rest of the municipal limits:
    - At the time of annexation: Police, Fire, Solid waste collection, Street maintenance
    - Within 3 ½ years of annexation: Water and Sewer
- Character of the Area to be Annexed – the property to be annexed must meet all of the following:

- Must be adjacent or contiguous to the municipal boundaries, with at least 1/8 of the aggregate external boundaries of the area to be annexed coinciding with the municipal boundary.
- Cannot be part of another municipality.
- Is one of the following:
  - Completely surrounded by the municipal limits.
  - Is either:
    - between the municipal boundary and an area developed for urban purposes so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending major municipal services, OR
    - adjacent, on at least 60% of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes.
  - Developed for urban purposes. Developed for urban purposes is any one of the following criteria:
    - Has a total resident population equal to at least 2.3 persons for each acre.
    - Has a total resident population equal to at least 1 person per acre, and is subdivided into lots and tracts such that at least 60% of the total acreage consists of lots and tracts 3 acres or less in size and such that at least 65% of the total number of lots and tracts are 1 acre or less in size.
    - Is so developed that at least 60% of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes, and is subdivided into lots and tracts such that at least 60% of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts three acres or less in size.
    - Is the entire area of any county water and sewer district, only if the municipality operates the sewer system and the entire territory is annexed in one annexation proceeding
    - All the tracts in the area to be annexed are used for commercial, industrial, governmental, or institutional purposes

In fixing municipal boundaries, the municipality shall do all of the following:

- Use recorded property lines and streets as boundaries.
- Use whole parcels of property in that if any portion of that parcel is included, the entire parcel of real property as recorded in the deed transferring title shall be included.
- Not use a connecting corridor consisting solely of a street or street right-of-way to establish contiguity.
- Not consider property in use for a commercial, industrial, institutional, or governmental purpose if the lot or tract is used only temporarily, occasionally, or on an incidental or insubstantial basis in relation to the size and character of the lot or tract.
- Include acreage actually occupied by buildings or other man-made structures together with all areas that are reasonably necessary and appurtenant to such facilities for purposes of parking, storage, ingress and egress, utilities,

buffering, and other ancillary services and facilities when determining acreage in use for commercial, industrial, institutional, or governmental purposes.

- Consider the area of an abolished water and sewer district to be a water and sewer district for the purpose of this section even after its abolition under G.S. 162A-87.2(b).

- Procedure for Annexation
  - Resolution of Consideration. – Must be adopted at least one year, but not more than 2 years prior to the resolution of intent. Property owners must be mailed a copy of the resolution.
  - Resolution of Intent. – Adopted at least one year after the resolution of consideration, describing the area to be annexed, that complies with the criteria of area to be annexed.
  - Public Informational Meeting. – Held at least 45, but not more than 55, days after the adoption of the resolution of intent. An official from the municipality is to explain the annexation process and answer questions of property owners and residents of the area to be annexed and of the municipality.
  - Public Hearing. – To be held at least 130, but not more than 150, days after the public informational meeting, to accept comment from the property owners and residents of the area to be annexed and of the municipality. Prior to the public hearing, the property owners must be given an opportunity to opt into the water and sewer service at no cost.
  - Annexation Ordinance. – May be adopted at least 10, but not more than 90, days after the public hearing. Must set an effective date of June 30, either of that year or the following year.
  - Petition to Deny Annexation. – If the County Tax Assessor certifies that at least 60% of the property owners have signed petitions to deny the annexation, then the annexation is terminated, and the municipality cannot begin the involuntary annexation process on that area again for 36 months.
  - Report to the Local Government Commission on provision of services to the area annexed. – 30 days after the effective date of the annexation, the municipality must report to the LGC as to whether the fire, police, solid waste collection, street maintenance and water/sewer services have been provided. If fire, police, solid waste collection and street maintenance services have not been provided within the 30 days, then the municipality may not include the population of the annexed area for purposes of monies distributed based on population by the State, federal or county government. If the water/sewer services have not been provided, then the municipality has to report again at the completion of the installation of the services or within 3 ½ years, whichever is later. If the municipality has not provided the water/sewer services within 3 ½ years, the municipality must stop, and may not begin, any other annexations until the installation is completed.
- Provision of Services – Generally, must be provided on substantially the same basis and in the same manner as within the corporate limits.
  - Fire, Police, Solid Waste Collection, Street Maintenance. – The municipality may provide the service directly, or contract for the provision of the services. Either way, each service must be in place on the date of annexation.
  - Water and Sewer –The water and sewer service to the annexed area shall be provided by the municipality within three and one half years of the effective date of the annexation ordinance. The municipality shall provide water and sewer lines and connections at no, or reduced, costs other than periodic fees to all property owners requesting the service within the process set out below:

- After passage of the resolution of intent, the property owner of real property located within the area proposed to be annexed shall be notified in writing, within five business days of the passage of the resolution of intent, of the opportunity to have water and sewer or both installed at no cost to the property owner, if a majority of the property owners respond positively to the opportunity. If a property owner fails to respond or responds negatively within 65 days, the property owner will be sent a reminder notice and will have 30 additional days to request water and sewer or both at no charge,. If the property is other than residential, that property will be given a credit in the amount of the average residential installation costs.
- If a majority of property owners do not respond positively to the opportunity the municipality may still go forward with the annexation. If it does, the municipality is not required to provide water or sewer to the annexed area, but if it does and if a property owner requests to be provided service, the municipality may be charged as described below.
- Any residential property owner who do not initially request water and sewer may do so later, but may be charged the following percentage of the average residential installation cost:
    - In the 1st year of the annexation – up to 50%.
    - In the 2nd year of the annexation – up to 60%
    - In the 3rd year of the annexation - up to 70%
    - In the 4th year of the annexation - up to 80%
    - In the 5th year of the annexation - up to 90%

The municipality may not charge, for any reason, any property owner within the area described in the annexation ordinance, for the installation or use of the water or sewer system unless that property owner is, or has requested to become, a customer of the water and sewer system.

- Appeal
    - Transfers the current process for appeal from G.S. 160A-50, and makes conforming changes:
        - Within 60 days of the close of the time to sign a petition to deny, a property owner who believes they will suffer material injury by reason of the failure of the municipality to comply with the annexation procedure may file petition seeking review.
        - The court is to review and take evidence intended to show:
            - That the statutory procedure was not followed
            - That the prerequisites for annexation were not met
            - That the area annexed did not comply with the statutory requirements
            - That the provisions of the Declaration of Policy in G.S. 160A-58.50 have not been met
        - Remedies for the court:
            - Affirm the annexation without change
            - Remand to the municipality for further proceedings
            - Remand to the municipality for amendment to the boundaries
            - Remand the report to the municipality for amendment on the plan for providing services
            - Declare the ordinance null and void

Section 10 amends ***voluntary contiguous annexation*** in the following ways:

1. Clarifies that petitions for voluntary contiguous annexation do not need to be signed by owners of real property that is any of the following:
    1. Exempt from property taxation.
    2. Owned by a railroad, public utility or electric or telephone membership corporation.
2. Prohibits the use of a street as a "shoestring connection" to establish contiguity to an outlying, noncontiguous area.
3. Requires the annexation of contiguous "distressed areas" upon petition of 75% of the property owners in the area, and sets forth an example of the petition.
4. Allows the annexation of contiguous "distressed areas" upon petition of 75% of the resident households located in the area, and sets forth an example of the petition.

EFFECTIVE DATE: When the act becomes law, and applies to annexations initiated by municipalities on or after that date and to voluntary petitions for annexation presented on or after that date. Involuntary Annexations initiated prior to the effective date of this act by any action but for which an annexation ordinance has not been adopted, shall terminate and may be reinitiated in compliance with Part 7 of Article 4A of Chapter 160A of the General Statutes as enacted by this act

Erika Churchill, staff attorneys, substantially contributed to this summary.

H845-SMRC-22(CSRCx-18) v4

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CATHERINE HEATH	STOPNCANNEXATION
Kellie Slappey	JLF
Cady Thomas	NCAR
Kelli Kuklan	NCLM
Scott Mooney	Insider
Kevin Leonard	NCACC
Lisa Martin	NC Home Builders Assoc.
Jessi Hayes	

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
May 25, 2011

The Committee on Rules, Calendar and Operations of the House met on May 2, 2011 at 1:05 p.m. in Room 1327 of the Legislative Building. The following members were present: Representative Moore Chair, Representative LaRoque Chair, Representative Owens Vice Chair; Representative Rhyne Vice Chair; Representatives Alexander, Blust, Crawford, Daughtry, Farmer-Butterfield, Folwell, Gillespie, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Parmon, Samuelson, Stam, and Stone.

Rep. LaRoque presided and recognized the Pages.

The following bills were considered:

HB 439, Cornelius/Davidson Tree Ordinances (Representative Moore, Primary Sponsor). Chair LaRoque accepted a motion from Rep. McComas to place the Proposed Committee Substitute before the committee. Rep. Tim Moore was recognized to explain the bill. Discussion by members. Rep. Hackney offered an amendment, and discussion followed by members. A roll call vote was taken, and the amendment failed. Further discussion of the bill. Rep. Moore was recognized for a motion of a favorable report to the Proposed Committee Substitute and unfavorable to the original bill. With the majority being in favor, the motion carried.

HB 87, Sunshine Act (Representatives LaRoque and T. Moore, Primary Sponsors). Rep. Moore presided on the bill and accepted a motion from Rep. Stone to place the Proposed Committee Substitute before the committee. Rep. LaRoque was recognized to speak on the bill. Discussion by members. Charles Broadwell (Publisher of the Fayetteville Observer and President of the Press Association) was recognized to speak. Rep. Moore made a motion of a favorable report to the Proposed Committee Substitute and unfavorable to the original bill. A roll call vote was taken, and the motion failed.

The meeting adjourned at 1:45 p.m.

Respectfully submitted:

Rep. Stephen LaRoque
Chair

Nancy Gaffiss
Committee Clerk

Rep. Tim Moore
Chair

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, May 25, 2011
TIME: 1:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 87	Sunshine Act.	Representative LaRoque Representative Moore

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **May 24, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, May 25, 2011
TIME: 1:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 87	Sunshine Act.	Representative LaRoque Representative Moore
HB 439	Cornelius/Davidson Tree Ordinances.	Representative Moore

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **May 24, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

1:00 pm

May 25, 2011

1328 LB

Representative Tim Moore Presiding

Remarks:

HB 87	Sunshine Act.	Representative LaRoque Representative Moore
HB 439	Cornelius/Davidson Tree Ordinances.	Representative Moore

Adjourn

HOUSE BILL 439

Short Title:	Cornelius/Davidson Tree Ordinances.	(Local)
Sponsors:	Representative T. Moore (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 24, 2011

A BILL TO BE ENTITLED

AN ACT MODIFYING THE AUTHORITY OF THE TOWNS OF CORNELIUS AND DAVIDSON TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 1997-420 reads as rewritten:

"Section 4. In order to preserve and enhance one of the most valuable natural resources of the community and to protect the health, safety, and welfare of its citizens, a municipality may adopt ordinances to regulate the planting, removal, and preservation of trees on public and private property within the municipality. ~~Any ordinance adopted pursuant to this section shall exclude property to be developed for single-family or duplex residential uses.~~"

SECTION 2. This act applies to the Towns of Cornelius and Davidson only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 5

HOUSE BILL 87
Committee Substitute Favorable 3/16/11
Third Edition Engrossed 3/29/11
Committee Substitute #2 Favorable 4/4/11
Corrected Copy 4/5/11

Short Title: Sunshine Act. (Public)

Sponsors:

Referred to:

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article XIV of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 6. Access to public records and meetings.**

(1) Every natural person who is a citizen of the State has the right to inspect or copy any public record made or received in connection with the official business of any agency, public officer, or official of the State, or persons acting on their behalf, except with respect to records exempted pursuant to this Section. This Section specifically includes the legislative and executive branches of government and each agency or department created thereunder; counties, municipalities, governmental subdivisions, units of local government, and special districts; and every office, board, commission, or entity created pursuant to law or this Constitution. An agency of North Carolina government or its subdivisions may charge a reasonable fee for the cost of compiling as well as copying public records requested pursuant to this subsection of this Section.

(2) All meetings of any public body of the executive branch of State government or of any public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this Section.

(3) This Section is self-executing. The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of records from the requirements of subsection (1) of this Section and the exemption of meetings from the requirements of subsection (2) of this Section, provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this Section, including the maintenance, control, destruction, disposal, and disposition of records made public by this Section, except that each house of the General Assembly may adopt rules governing the enforcement of this Section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only

exemptions from the requirements of subsection (1) or (2) of this Section and provisions governing the enforcement of this Section and shall relate to one subject.

(4) All statutes, rules, case law, and common law that are in effect on January 1, 2013, that limit public access to records or meetings shall remain in force until amended or repealed."

SECTION 2. The amendments set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election on November 6, 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendments providing that all State and local government public records are open to inspection and copying, and all State and local government meetings are open to the public, subject in either case to general law passed by three-fifths vote in each house of the General Assembly providing for exemptions in case of public necessity."

SECTION 3. If a majority of votes cast on the question are in favor of the constitutional amendment set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State. The constitutional amendment is effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

NORTH CAROLINA GENERAL ASSEMBLY
Legislative Services Office

George R. Hall, Legislative Services Officer

h Division
_____ Salisbury Street, Suite 545
Raleigh, NC 27603-5925
Tel. 919-733-2578 Fax 919-715-5460

O. Walker Reagan
Director

May 10, 2011

REPRESENTATIVE STEPHEN LAROQUE
N.C. HOUSE OF REPRESENTATIVES
10TH DISTRICT

635 LEGISLATIVE OFFICE BUILDING
300 N. SALISBURY STREET
RALEIGH, NC 27603-5925
OFFICE: (919) 715-3017
FAX: (919) 754-3312

DISTRICT ADDRESS:
PO BOX 1034
KINSTON, NC 28503
(252) 523-7700
CELL: (252) 560-3399

EMAIL: STEPHEN.LAROQUE@NCLEG.NET

MEMORANDUM

TO: Representative Stephen LaRoque

FROM: O. Walker Reagan, Division Director

RE: **Ability to Bind Future General Assemblies to Insure Open Meetings and Public Records**

You ask me to set out for you the legal basis as to why a statutory change requiring a three-fifths vote of each chamber to protect the peoples' access to public records and open meetings, will not be binding on future General Assemblies.

The North Carolina Constitution empowers the General Assembly to enact the laws of the State, subject only to limitations set forth in the NC and US Constitutions. (Article II, Sec. 20, NC Constitution). Because the General Assembly has the power to enact laws, any successive General Assembly has the power to modify or change any previously enacted law. One General Assembly cannot bind another General Assembly.

Procedurally, an act that has three readings in each house and is signed by the presiding officers of each house is presumed to have been lawfully enacted by the General Assembly under the NC Constitution. (Article II, Sec. 22, NC Constitution). Generally, the courts will not look behind the General Assembly's action other than for the constitutional requirements. While each legislative body can adopt rules governing how matters in each chamber are to be considered, if the individual house passes a bill on three readings and it is signed by the

presiding officer, it is presumed that the bill was enacted in accordance with the rules of each house. (State ex. rel. Dyer v. City of Leaksville, 275 NC 41 (1969), Union Bank v. Commissioners of Oxford, 119 NC 214 (1896), Frazier v. Board of Commissioners, 194 NC 49 (1927)). This means that even if the 2011 General Assembly were to enact a statute requiring a three-fifths vote of each chamber in order to make public meetings and public records more restricted than exists under current law, if a subsequent General Assembly were to enact a law by less than a three-fifths vote in each chamber contrary to this statute, the new act would still be considered the law because it met the constitutional requirements of passing each house on three readings and was signed by the presiding officers of each house.

Additionally there is a presumption that when an earlier act is in conflict with a more recent act, the more recent act is deemed to control. (Orinoco Supply Co. v. Masonic & E. Star Home, 163 NC 513 (1913)). Accordingly, if a subsequent act was enacted contrary to the statutory law requirements, it would be presumed that the later action by the General Assembly enacting the law by a majority, but less than three-fifths, would control.

I hope this analysis is helpful. Please let me know if you need any additional information. Thanks.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 439 DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.) Hackney
Sen.)

1 moves to amend the bill on page 1, lines 1-3
2 ( ) WHICH CHANGES THE TITLE
3 by REWriting those lines to read:
4
5 "AN ACT TO IMPLEMENT";
6
7 and on page 1, line 10 through page 3, line 10
8 by deleting those lines and renumbering the
remaining bill sections accordingly;
10
11 and on page 5, lines 5-9 by deleting
12 those lines;
13
14 and on page 3, line 3 by deleting "section" and
15 substituting "act".
16
17
18
19

SIGNED Hackney

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 439 A BILL TO BE ENTITLED AN ACT MODIFYING THE AUTHORITY OF THE TOWNS OF CORNELIUS AND DAVIDSON TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

ROLL CALL VOTE

Hackney Amendment on #439

9 YES 14 NO = _____(TOTAL)

HB# _____
SB# _____

HOUSE STANDING COMMITTEE ON Rules

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
	✓	LaRoque			
	✓	T. Moore			
✓		Owens			
	✓	Rhyne			
✓		M. Alexander			
	✓	Blust			
✓		Crawford			
	✓	Daughtry			
		Faison			
✓		Farmer-Butterfield			
	✓	Folwell			
	✓	Gillespie			
✓		Hackney			
✓		Hill			
	✓	Hilton			
✓		Jeffus			
	✓	Johnson			
✓		Luebke			
	✓	McComas			
	✓	Moffitt			
✓		Parmon			
	✓	Samuelson			
	✓	Stam			
	✓	Stone			
9	14				

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 439 DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.) Hackney
(Sen.)

moves to amend the bill on page 1, lines 1-3

( ) WHICH CHANGES THE TITLE

by REWriting those lines to read:

"AN ACT TO IMPLEMENT";

and on page 1, line 10 through page 3, line 10 by deleting those lines and renumbering the remaining bill sections accordingly;

and on page 5, lines 5-9 by deleting those lines;

and on page 3, line 3 by deleting "section" and substituting "act".

SIGNED Hackney

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

ROLL CALL VOTE

10 YES 11 NO = _____(TOTAL)

HB# _____
SB# _____

HOUSE STANDING COMMITTEE ON Rules H81

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
X		LaRoque			
X		T. Moore			
	X	Owens			
	X	Rhyne			
	X	M. Alexander			
X		Blust			
		Crawford			
	X	Daughtry			
		Faison			
	X	Farmer-Butterfield			
X		Folwell			
		Gillespie			
	X	Hackney			
	X	Hill			
X		Hilton			
	X	Jeffus			
X		Johnson			
	X	Luebke			
X		McComas			
X		Moffitt			
	X	Parmon			
X		Samuelson			
	X	Stam			
X		Stone			
10	11				

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 439
PROPOSED COMMITTEE SUBSTITUTE H439-CSLR-13 [v.6]

5/25/2011 12:21:25 PM

Short Title: Allow EB Look Back/Continue Expenditures 2011. (Public)

Sponsors:

Referred to:

March 24, 2011

AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL SEPTEMBER 30, 2011, AT THE LEVEL IN EFFECT ON JUNE 30, 2011, AND IMPLEMENTING THE THREE-YEAR LOOK BACK PERIOD FOR FEDERALLY FUNDED EXTENDED UNEMPLOYMENT BENEFITS AS AUTHORIZED BY SECTION 502 OF THE TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010, PUBLIC LAW 111-312, WITH THE AMENDMENTS EFFECTIVE APRIL 16, 2011 AND EXPIRING JANUARY 1, 2012.

The General Assembly of North Carolina enacts:

BUDGET CONTINUATION

SECTION 1.(a) The Director of the Budget may continue to allot funds for expenditure by State agencies, departments, and institutions, at a level not to exceed the level of recurring expenditures authorized in S.L. 2009-451, as amended, or in S.L. 2010-31, as amended.

SECTION 1.(b) The Director of the Budget shall not allocate funds for any of the purposes set out in the budget reductions in House Bill 200, 4th edition.

SECTION 1.(c) Vacant positions subject to the proposed budget reductions in House Bill 200, 4th edition, shall not be filled. State employees in positions set out in House Bill 200, 4th edition, to be eliminated for the 2011-2012 fiscal year shall be given notice of termination as required by law.

SECTION 1.(d) The appropriations and the authorizations to allocate and spend funds which are set out in this section shall remain in effect until the Current Operations and Capital Improvements Appropriations Act of 2011 (2011 Appropriations Act) becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the 2011 Appropriations Act becomes law, the Director of the Budget shall adjust allotments to give effect to that act from July 1, 2011.

SECTION 1.(e) Except as otherwise provided by this section, the limitations and directions for the 2010-2011 fiscal year in S.L. 2009-451, as amended, or in S.L. 2010-31, as amended, remain in effect.

SECTION 1.(f) There is appropriated from the appropriate State funds and cash balances, federal receipts, and departmental receipts for the 2011-2012 fiscal year funds necessary to carry out the provisions of this act.



EMPLOYEE SALARIES

SECTION 2.(a) The salary schedules and specific salaries established for the 2010-2011 fiscal year by or under S.L. 2010-31 and in effect on June 30, 2011, or the last day in pay status during the 2010-2011 fiscal year if earlier, for offices and positions, including positions in the UNC Health Care System, shall remain in effect and shall not be increased regardless of funding source of the increase or regardless of the exceptions established in Section 26.1A of S.L. 2009-451, as amended by S.L. 2009-575, Section 21; S.L. 2010-31, Section 29.7(c); and S.L. 2010-123, Section 9.2 until the date the 2011 Appropriations Act becomes law.

SECTION 2.(b) State employees subject to G.S. 7A-102(c), 7A-171.1, or 20-187.3 shall not move up on salary schedules or receive automatic increases, including automatic step increases, until authorized by the General Assembly.

SECTION 2.(c) Public school employees paid on the teacher salary schedule or the school-based administrator salary schedule and other employees shall not move up on salary schedules or receive automatic step increases, annual, performance, merit, or other increments until authorized by the General Assembly.

SECTION 2.(d) Nothing in this section prohibits a salary reduction when authorized by the Director of the Budget or other authorized officer.

STATE CONTROLLER SHALL NOT TRANSFER FUNDS ON JUNE 30

SECTION 3.(a) Notwithstanding G.S. 143C-4-3, for the 2010-2011 fiscal year only, funds shall not be reserved to the Repairs and Renovations Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Repairs and Renovations Reserve Account on June 30, 2011.

SECTION 3.(b) Notwithstanding G.S. 143C-4-2, for the 2010-2011 fiscal year only, funds shall not be reserved to the Savings Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Savings Reserve Account on June 30, 2011.

SECTION 3.(c) This section becomes effective June 30, 2011.

CERTAIN FUNDS SHALL NOT REVERT

SECTION 4.(a) If the provisions of House Bill 200, Fourth Edition, direct that funds shall not revert, the funds shall not revert on June 30, 2011. Unless these funds are encumbered on or before June 30, 2011, these funds shall not be expended after June 30, 2011, except as provided by a law enacted after June 30, 2011.

SECTION 4.(b) If the provisions of S.L. 2009-451, as amended, or S.L. 2010-31, as amended, direct that funds appropriated for a purpose shall not revert on June 30, 2010, funds appropriated for that purpose for the 2010-2011 fiscal year shall not revert on June 30, 2011.

SECTION 4.(c) This section becomes effective June 30, 2011.

FEDERAL BLOCK GRANTS

SECTION 5. The Director of the Budget shall continue to allocate federal block grant funds at the levels provided in S.L. 2010-31 and as otherwise provided by law, and appropriations from federal block grants are hereby made.

ENROLLMENT INCREASES

SECTION 6. Funds appropriated in this act may be used to fund increases in average daily membership in public schools and increases in enrollment in the North Carolina Community College System, and The University of North Carolina.

MEDICAID

SECTION 7. The Director of the Budget may use up to one hundred twenty-five million dollars ($125,000,000) to repay the federal Centers for Medicare and Medicaid Services for excess Medicaid funds drawn down during the 2009-2010 fiscal year. The Director of the Budget shall report the amount of funds used under this section no later than 30 days after payment to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Fiscal Research Division.

UNEMPLOYMENT INSURANCE/IMPLEMENT THREE-YEAR LOOK BACK

SECTION 8.(a) G.S. 96-12.01(a1)(4)c. is amended by adding a new sub-subsubdivision to read:

"3. This section applies as provided under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) as it existed on December 17, 2010, and is applicable to compensation for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011, provided that:

I. The average rate of (i) insured unemployment, not seasonally adjusted, equaled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in all of the preceding three calendar years and equaled or exceeded five percent (5%) or (ii) total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent (6.5%); and

II. The average rate of total unemployment in this State, seasonally adjusted, as determined by the United States Secretary of Labor, for the three-month period referred to in this subsection, equals or exceeds one hundred ten percent (110%) of the average for any of the corresponding three-month periods ending in the three preceding calendar years."

SECTION 8.(b) G.S. 96-12.01(a1)(4)e. reads as rewritten:

"(4) There is an "on indicator" for this State for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediate preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this Chapter:

...

e. Total extended benefit amount.

1. The total extended benefit amount payment to any eligible individual with respect to the applicable benefit year shall be the least of the following amounts:

I. Fifty percent (50%) of the total amount of regular benefits which were payable to the individual under

this Chapter in the individual's applicable benefit year; or

II. Thirteen times the individual's weekly benefit amount that was payable to the individual under this Chapter for a week of total unemployment in the applicable benefit year.

2. I. Effective with respect to weeks beginning in a high unemployment period, sub-subdivision e.1. of this subdivision shall be applied by substituting:

A. "Eighty percent (80%)" for "fifty percent (50%)" in sub-subdivision e.1.I., and

B. "Twenty" for "thirteen" in sub-subdivision e.1.II.

II. For purposes of sub-subdivision 2.I., the term "high unemployment period" means any period during which an extended benefit period would be in effect if sub-subdivision c. of this subdivision were applied by substituting "eight percent (8%)" for six and one-half percent (6.5%)".

3. This subdivision applies as provided under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) as it existed on December 17, 2010, and is applicable to compensation for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011, provided that:

I. The average rate of total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent (8%); and

II. The average rate of total unemployment in this State, seasonally adjusted, as determined by the United States Secretary of Labor, for the three-month period referred to in this subdivision equals or exceeds one hundred ten percent (110%) of the average for any of the corresponding three-month periods ending in the three preceding calendar years."

SECTION 8.(c) The intent of this section is to allow extended benefits to be paid as provided under the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 so long as the payment of the benefits does not hinder the State's ability to reduce the debt it owes the federal government to pay unemployment benefits. It is not the intent of this section to pay for the extended benefits with contributions paid by employers under Chapter 96 of the North Carolina General Statutes or with contributions paid by employers under the federal payroll tax that would otherwise be used to pay down the amount borrowed from the federal government by the State to pay unemployment benefits. Nothing in this section obligates the State to pay extended benefits provided by this section with contributions payable under Chapter 96 of the General Statutes or with any other State funds. This section is null and void if the payment of the benefits would divert federal payroll tax

revenue payable by North Carolina employers that would otherwise be used to pay down the amount borrowed from the federal government by the State to pay unemployment benefits.

SECTION 8.(d) This section becomes effective April 16, 2011, and expires January 1, 2012.

EFFECTIVE DATES

SECTION 9. Except as otherwise provided, this act becomes effective July 1, 2011, and expires the earlier of September 30, 2011, at 11:59 P.M. or the date the Current Operations and Capital Improvements Appropriations Act of 2011 becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 87
Committee Substitute Favorable 3/16/11
Third Edition Engrossed 3/29/11
Committee Substitute #2 Favorable 4/4/11
Corrected Copy 4/5/11
PROPOSED COMMITTEE SUBSTITUTE H87-CSRC-20 [v.5]

5/25/2011 12:30:25 PM

Short Title: Sunshine Amendment. (Public)

Sponsors:

Referred to:

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROTECT THE PEOPLES' ACCESS TO PUBLIC RECORDS AND OPEN MEETINGS.

The General Assembly of North Carolina enacts:

SECTION 1. Article XIV of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 6. Access to public records and meetings.**

(1) The right of the people to examine, inspect and copy a document, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of this State or its political subdivisions shall not be limited by a law enacted by the General Assembly except upon a three-fifths vote of the members present and voting of each house.

(2) The right of the people to attend an official meeting of a public body shall not be limited by a law enacted by the General Assembly except upon a three-fifths vote of the members present and voting of each house.

(3) All statutes and common law that are in effect on January 1, 2013, providing for or restricting the right of the people to examine, inspect and copy a public record, or providing for or restricting the right of the people to attend an official meeting of a public body, shall remain in effect until amended or repealed."

SECTION 2. The amendments set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election on November 6, 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment providing that the General Assembly shall not restrict the right of the people to obtain public records or attend official meetings of public bodies except by a law passed by a three-fifths vote of the members present and voting of each house.."

SECTION 3. If a majority of votes cast on the question are in favor of the constitutional amendment set out in this act, the State Board of Elections shall certify the

amendment to the Secretary of State. The constitutional amendment is effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 87
Committee Substitute Favorable 3/16/11
Third Edition Engrossed 3/29/11
Committee Substitute #2 Favorable 4/4/11
Corrected Copy 4/5/11
PROPOSED COMMITTEE SUBSTITUTE H87-CSRC-20 [v.5]

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(2) The right of the people to attend an official meeting of a public body shall not be limited by a law enacted by the General Assembly except upon a three-fifths vote of the members present and voting of each house.

(3) All statutes and common law that are in effect on January 1, 2013, providing for or restricting the right of the people to examine, inspect and copy a public record, or providing for or restricting the right of the people to attend an official meeting of a public body, shall remain in effect until amended or repealed."

SECTION 2. The amendments set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election on November 6, 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment providing that the General Assembly shall not restrict the right of the people to obtain public records or attend official meetings of public bodies except by a law passed by a three-fifths vote of the members present and voting of each house.."

SECTION 3. If a majority of votes cast on the question are in favor of the constitutional amendment set out in this act, the State Board of Elections shall certify the

amendment to the Secretary of State. The constitutional amendment is effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

HOUSE BILL 87:
Sunshine Amendment

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	May 25, 2011
Introduced by:	Reps. LaRoque, T. Moore	**Prepared by:**	Kory Goldsmith
Analysis of:	PCS to Fifth Edition H87-CSRC-20		Committee Counsel

SUMMARY: ***The PCS to House Bill 87 proposes to amend the North Carolina Constitution to prohibit the General Assembly from limiting the people's access to public records and official meetings of public bodies except upon a three-fifths vote of all the members present and voting in the chamber. All statutes and common law that are in effect as of January 1, 2013 and that (i) provide for or restrict the people's right to inspect and copy documents, or that (ii) provide for or restrict the people's right to attend an official meeting of a public body, would remain in effect until amended or repealed.***

The amendment would be placed before the voters in the November, 2012 statewide general election. If a majority of the voters approve the amendment, the State Board of Elections would certify the amendment to the Secretary of State. The amendment would become effective upon certification and the Secretary of State would enroll the amendment.

CURRENT LAW:

Public Records - Chapter 132 of the General Statues contains the primary group of statutes related to public records. G.S. 132-1, as interpreted by the courts, provides that any document, regardless of its form (paper, electronic, audio recording, etc.) made or received pursuant to law or ordinance in connection with the transaction of public business (including records kept in carrying out lawful duties) by an agency of North Carolina government or its subdivisions is a public record. "Agency of North Carolina government or its subdivisions" means every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

The public official in charge of an office having public records is the custodian of the records (G.S. 132-2), and the custodian must permit any person to examine and inspect any public record in the custodian's custody. The custodian shall also furnish copies "as promptly as possible". (G.S. 132-6(a)) Public agencies are not required to create or compile a record that does not exist. (G.S. 132-6.2(e)

Agencies may charge the actual cost of making copies. (G.S. 132-6.2(b)) A person requesting public records cannot be required to disclose the purpose or motive for the request (G.S. 132-6(b)), but may be required to submit the request in writing. If a request is denied, the denial must be accompanied by an explanation of the basis for the denial. (G.S. 132-6.2(c)

A person who is denied access to public records may seek a court order compelling disclosure provided the person has attempted to settle the matter through mediation (G.S. 132- 9(a) and G.S. 7A-38.3E) A court may order the payment of reasonable attorney's fees to a party seeking public records who substantially prevails. Attorneys' fees may not be assessed if the court finds the governmental body or governmental unit acted in reasonable reliance on any of the following:

(1) A judgment or an order of a court applicable to the governmental unit or governmental body.

(2) The published opinion of an appellate court, an order of the North Carolina Business Court, or a final order of the Trial Division of the General Court of Justice.

(3) A written opinion, decision, or letter of the Attorney General.

There are numerous exemptions to the public records law. Some of these exemptions are located in Chapter 132, such as exemptions for confidential communications by legal counsel to a public board, confidential trade secrets, criminal investigations, and sensitive public security information. Others are located elsewhere in the law, such as exclusions for certain information in public employee personnel files (Chapters 115C, 115D, 116, 126, 153A and 160A), individual tax returns (Chapter 105), certain insurance information (Chapter 58) and certain legislative documents (Chapter 120).

Open Meetings - Article 33C of Chapter 143 of the General Statutes provides that the hearings, deliberations and actions of public bodies that administer the legislative, policy-making, quasi-judicial, administrative and advisory functions of North Carolina and its political subdivisions shall be conducted openly. (G.S. 143-318.9) Unless an exemption applies, any person is entitled to attend these meetings (G.S. 143-318.10(a). Subject to certain exceptions, a "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. (G.S. 143-318.10(b)) An "official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction of the public body. :A social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of the law. (G.S. 143-318.10(d) Public meetings must be properly noticed (G.S. 143-318.12(a)), and public bodies must keep full and accurate minutes of what transpires (G.S. 143-318.10(e)). Radio and television stations are entitled to broadcast any portion of a public meeting and individuals may photograph, film, tape-record or otherwise reproduce any part of an open meeting. (G.S. 143-318.14(a)

Public bodies may hold closed sessions under specified circumstances. For example, a public body may go into closed session in order to prevent disclose of information that is otherwise confidential under state or federal law, to consult with an attorney, to deal with certain personnel matters and to hear reports related to alleged criminal misconduct. (G.S .143-318.11(a) Certain bodies are exempt from the open meetings law. These include petite and grand juries, the Judicial Standards Commission, the Legislative Ethics Committee, a conference committee of the General Assembly, law enforcement agencies and the General Court of Justice. (G.S. 143-318. 18)

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

H87-SMRC-38(CSRC-20) v1

NORTH CAROLINA GENERAL ASSEMBLY
Legislative Services Office

George R. Hall, Legislative Services Officer

h Division
Salisbury Street, Suite 545
Raleigh, NC 27603-5925
Tel. 919-733-2578 Fax 919-715-5460

O. Walker Reagan
Director

May 10, 2011

REPRESENTATIVE STEPHEN LAROQUE
N.C. HOUSE OF REPRESENTATIVES
10TH DISTRICT

635 LEGISLATIVE OFFICE BUILDING
300 N. SALISBURY STREET
RALEIGH, NC 27603-5925
OFFICE: (919) 715-3017
FAX: (919) 754-3312

DISTRICT ADDRESS:
PO BOX 1034
KINSTON, NC 28503
(252) 523-7700
CELL: (252) 560-3399

EMAIL: STEPHEN.LAROQUE@NCLEG.NET

MEMORANDUM

TO: Representative Stephen LaRoque

FROM: O. Walker Reagan, Division Director

RE: **Ability to Bind Future General Assemblies to Insure Open Meetings and Public Records**

You ask me to set out for you the legal basis as to why a statutory change requiring a three-fifths vote of each chamber to protect the peoples' access to public records and open meetings, will not be binding on future General Assemblies.

The North Carolina Constitution empowers the General Assembly to enact the laws of the State, subject only to limitations set forth in the NC and US Constitutions. (Article II, Sec. 20, NC Constitution). Because the General Assembly has the power to enact laws, any successive General Assembly has the power to modify or change any previously enacted law. One General Assembly cannot bind another General Assembly.

Procedurally, an act that has three readings in each house and is signed by the presiding officers of each house is presumed to have been lawfully enacted by the General Assembly under the NC Constitution. (Article II, Sec. 22, NC Constitution). Generally, the courts will not look behind the General Assembly's action other than for the constitutional requirements. While each legislative body can adopt rules governing how matters in each chamber are to be considered, if the individual house passes a bill on three readings and it is signed by the

presiding officer, it is presumed that the bill was enacted in accordance with the rules of each house. (State ex. rel. Dyer v. City of Leaksville, 275 NC 41 (1969), Union Bank v. Commissioners of Oxford, 119 NC 214 (1896), Frazier v. Board of Commissioners, 194 NC 49 (1927)). This means that even if the 2011 General Assembly were to enact a statute requiring a three-fifths vote of each chamber in order to make public meetings and public records more restricted than exists under current law, if a subsequent General Assembly were to enact a law by less than a three-fifths vote in each chamber contrary to this statute, the new act would still be considered the law because it met the constitutional requirements of passing each house on three readings and was signed by the presiding officers of each house.

Additionally there is a presumption that when an earlier act is in conflict with a more recent act, the more recent act is deemed to control. (Orinoco Supply Co. v. Masonic & E. Star Home, 163 NC 513 (1913)). Accordingly, if a subsequent act was enacted contrary to the statutory law requirements, it would be presumed that the later action by the General Assembly enacting the law by a majority, but less than three-fifths, would control.

I hope this analysis is helpful. Please let me know if you need any additional information. Thanks.

VISITOR REGISTRATION SHEET

Rules — Name of Committee

5/25/11 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CODY GLASTY	NORTH CAROLINA PARKS AND RECREATION TRUST FUND AUTHORITY
MIA BAILEY	Electricities
Blake Precythe	SEANC
JACK COZORT	NSS
Jessi Hayes	NCHBA
Lisa Hall	NC HBA
Cody Thomas	NCAR
Barry Smith	MZMPolitics.com
JOHN BISSIAN	NCPA
Charles Broadwell	NCPA / Fayetteville Observer
Beth Grace	NCPA

VISITOR REGISTRATION SHEET

Rules — 5/25/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bo Heath	McGuire Woods
Connie Wilson	ECNC
[signature]	NCAEC

VISITOR REGISTRATION SHEET

Rules — 3/25/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Holmes	House Democratic Caucus
Forest Gilliam	Governor's Office
KEITH CAUGHRAN	CCC
PAUL Meyer	NCLM
Patrick Buffkin	NCAEC
J GOODMAN	NC CHAMBER
Dick Taylor	NCAE
David Bass	CJ
Jane Pinsky	NCCLCR
John Smith	
Mika Olsen	NCSFCAFL-CIO

VISITOR REGISTRATION SHEET

Rules — 5/25/2011

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
May 31, 2011

The Committee on Rules, Calendar and Operations of the House met on May 31, 2011 at 4:45 p.m. in Room 1328 of the Legislative Building. The following members were present: Representative Moore Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Faison, Gillespie, Hackney, Hilton, Jeffus, Johnson, Luebke, and Stone.

Rep. Tim Moore presided.

The Following Bill was considered:

HB-842. Honor William Newsome and Parker Robbins. (Representatives Mobley, Parmon, Michaux, and Adams, Primary Sponsors) No discussion or debate. Rep. Hilton motioned for a favorable report. Vote was called; motion passed

Rep. John Blust Chaired for Rep. Moore.

HB 440 Huntersville E-Mail Lists/Electronic Access. (Representative Moore, Primary Sponsors). Representative Gillespie was recognized and made a motion to place a PCS before the committee. Representative Moore was recognized to explain the bill. Discussion and debate. Rep. Hill motioned for a favorable report to the PCS, unfavorable to the original changing the title of the bill to Adopt Official Livermush Festivals. Vote was called. Motion passed.

Chair Blust adjourned at 4:52 p.m.

Respectfully submitted:

Rep Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

10 Minutes After Session

1328 LB

Representative Stephen LaRoque Presiding

Remarks:

HB 440 Huntersville E-Mail Lists/Electronic Access. Representative Moore

Adjourn

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, May 31, 2011
TIME: 10 Minutes After Session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 440	Huntersville E-Mail Lists/Electronic Access.	Representative Moore

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **May 26, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

HOUSE BILL 440*

Short Title:	Huntersville E-Mail Lists/Electronic Access.	(Local)
Sponsors:	Representative T. Moore (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE TOWN OF HUNTERSVILLE IS OPEN TO PUBLIC INSPECTION BUT IS NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2010-83 reads as rewritten:

"**SECTION 3.** This act applies only to Wake County, the City of Raleigh, and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Huntersville, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, Zebulon, and to Yadkin County."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 440*

Short Title:	Huntersville E-Mail Lists/Electronic Access.	(Local)
Sponsors:	Representative T. Moore (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 440*
PROPOSED COMMITTEE SUBSTITUTE H440-CSLG-12 [v.2]

5/25/2011 1:17:20 PM

Short Title: Adopt Official Livermush Festival. (Public)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE SHELBY LIVERMUSH FESTIVAL AS THE OFFICIAL LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, the City of Shelby holds an annual livermush festival on the fourth weekend in October; and

Whereas, the Livermush Festival has grown into a great marketing and promotional tool for the Shelby community and Cleveland County; and

Whereas, the Livermush Festival should be adopted as the official livermush festival of the State of North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.

"**§ 145-35. State livermush festival.**

The Shelby Livermush Festival is adopted as the official livermush festival of the State of North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE RESOLUTION 892

Sponsors:	Representatives Mobley, Parmon, Michaux, and Adams (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

May 5, 2011

A HOUSE RESOLUTION HONORING THE LIVES AND MEMORIES OF WILLIAM DAVID NEWSOME AND PARKER D. ROBBINS, FORMER MEMBERS OF THE GENERAL ASSEMBLY.

Whereas, before the Civil War, many free persons of color living in North Carolina were exceptional leaders in their communities, including William David Newsome and Parker D. Robbins; and

Whereas, William David Newsome, a native of Hertford County, made a living as a teacher on Roanoke Island; and

Whereas, after the Civil War, William David Newsome returned to Hertford County where he became the first teacher of the Pleasant Plains School; and

Whereas, William David Newsome went on to serve in the General Assembly as a member of the House of Representatives from 1868 to 1872, representing the citizens of Hertford County; and

Whereas, Parker D. Robbins owned a 102-acre farm in Bertie County and made a living as a carpenter and mechanic; and

Whereas, in 1863, Parker D. Robbins joined the Second United States Colored Cavalry and achieved the rank of sergeant major prior to his honorable discharge in 1866; and

Whereas, in 1868, Parker D. Robbins became one of 15 African-Americans elected to North Carolina's constitutional convention, representing Bertie County; and

Whereas, a year later, Parker D. Robbins served in the General Assembly as a member of the House of Representatives for a term from 1869 to 1870, representing the citizens of Bertie County; and

Whereas, between 1870 and 1877, Parker D. Robbins served as the postmaster for the Town of Harrellsville in Hertford County and worked as a farmer, during which time he obtained two patents for inventions associated with agriculture; and

Whereas, in 1877, Parker D. Robbins moved to Duplin County where he became the owner of a sawmill and cotton gin, constructed homes in the Magnolia area, and built and operated a steamboat known as the Saint Peter on the Cape Fear River; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the lives of William David Newsome and Parker D. Robbins for being outstanding leaders in their communities and for rendering distinguished service to the State of North Carolina as members of the General Assembly.

SECTION 2. This resolution is effective upon adoption.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 440 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE TOWN OF HUNTERSVILLE IS OPEN TO PUBLIC INSPECTION BUT IS NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 892 A HOUSE RESOLUTION HONORING THE LIVES AND MEMORIES OF WILLIAM DAVID NEWSOME AND PARKER D. ROBBINS, FORMER MEMBERS OF THE GENERAL ASSEMBLY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 440 DATE _____

S. B. No. _____ Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE X

Rep. Gillespie
Sen.

moves to amend the bill on page 1, line 3

(X) WHICH CHANGES THE TITLE

by inserting the word "Fall" at the beginning of the line and inserting the following befor the period;

"AND DESIGNATING THE MARION LIVERMUSH FESTIVAL AS THE OFFICIAL SPRING LIVERMUSH FESTIVAL";

and on page 1, ~~the~~ by inserting the following between lines 7 & 8:

"Whereas the ~~Town~~ Marion Community and McDowell County hold a livermush festival on the first Friday in June; and"

and on page 1, the 13, by inserting "Fall" after "official" and;

and on page 1, line 14, by inserting after the period "The Marion Livermush Festival is adopted as the official Spring livermush festival of the State of North Cardlina."

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

Pages

~~VISITOR~~ REGISTRATION SHEET

House Rules Committee — 5.31.2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME Pages	FIRM OR AGENCY AND ADDRESS
Sarah Horne	John Faircloth
meredith Shaw	Larry Brown
Jake Vowell	Linda Johnson
A.J Horner	David Guice
Sgt@Arms	
Cathou Adams	
Bob Rossi	

VISITOR REGISTRATION SHEET

House Rules Committee — 5.31.2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	mwc
Patsy Buff	NCAEC
Jessi Hayes	NC HBA
David McSwain	NC Realtors
Vance Calder	RETIRED
Don Thornton	RETIRED

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 2, 2011

The Committee on Rules, Calendar and Operations of the House met on June 2, 2011 at 11:10 am in Room 1425 of the Legislative Building. The following members were present: Representative Moore Chair, Representative LaRoque Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Daughtry, Faison, Farmer-Butterfield, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, Moffitt, Parmon, Samuelson, and Stone.

Rep. Tim Moore presided and recognized the Pages and Sergeant-at-arms.

The Following Bill was considered:

HB-563. Honor Ralph Campbell. (Representatives Michaux, Ross, Martin, and Weiss, Primary Sponsors) No discussion or debate. Rep. Parmon motioned for a favorable report. Vote was called; motion passed.

HB 622 Study Art. 3A Administrative Hearings Proced. (Representative McCormick, Stevens, Cleveland, and Glazier, Primary Sponsors). Representative Owens was recognized and made a motion to place a PCS before the committee. Representative McCormick was recognized to explain the bill. Discussion and debate. Rep. Luebke sent forth an amendment. Vote was call amendment was adopted. Rep. Owens motioned for a favorable report to the PCS as amended to role in to a new PCS, unfavorable to the original changing the title of the bill to Nursing Homes/Food Service Inspections. Vote was called. Motion passed.

Chair Moore adjourned at 11:25 am.

Respectfully submitted:

Rep Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 2, 2011
TIME: 11:00 am
LOCATION: 1425 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 87	Sunshine Act.	Representative LaRoque Representative Moore
HR 563	Honor Ralph Campbell.	Representative Michaux, Jr. Representative Ross Representative Martin Representative Weiss

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 AM** o'clock on **June 02, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice Bill Added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 2, 2011
TIME: 11:00 am
LOCATION: 1425 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 87	Sunshine Act.	Representative LaRoque Representative Moore
HR 563	Honor Ralph Campbell.	Representative Michaux, Jr. Representative Ross Representative Martin Representative Weiss
HJR 760	LRC Study/Criminal Record Expunctions.	

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 AM** o'clock on **June 02, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice add Bill 760

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 2, 2011
TIME: 11:00 am
LOCATION: 1425 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 87	Sunshine Act.	Representative LaRoque Representative Moore
HR 563	Honor Ralph Campbell.	Representative Michaux, Jr. Representative Ross Representative Martin Representative Weiss
HB 759	Study Chicken House Fire Codes.	
HJR 760	LRC Study/Criminal Record Expunctions.	

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 AM** o'clock on **June 02, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

June 2, 2011

1425 LB

Representative Tim Moore Presiding

Remarks:

HB 87	Sunshine Act.	Representative LaRoque Representative Moore
HR 563	Honor Ralph Campbell.	Representative Michaux Representative Ross Representative Martin Representative Weiss
HJR 760	LRC Study/Criminal Record Expunctions.	
~~HB 759~~	Study Chicken House Fire Codes.	

Adjourn

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 563 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF RALPH CAMPBELL, JR., FORMER STATE AUDITOR.

☒ With recommendation that it be adopted.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 622 A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO STUDY HOW TO RECONCILE AND HARMONIZE ADMINISTRATIVE HEARINGS IN CONTESTED CASES ARISING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on HEALTH AND HUMAN SERVICES.

(FOR JOURNAL USE ONLY)

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

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

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

HOUSE BILL 87:
Accident/Ticket 30 Day No Contact

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 1, 2011
Introduced by:	Reps. LaRoque, T. Moore	**Prepared by:**	Bill Patterson
Analysis of:	PCS to Fifth Edition H87-CSTG-23		Committee Counsel

SUMMARY: ***The PCS to House Bill 87 prohibits attorneys from contacting persons charged with speeding or the victim of an accident within 30 days following the citation or accident, and makes it an unfair and deceptive trade practice for an insurer to contact an accident victim within 30 days following the accident.***

CURRENT LAW: There are no current statutory provisions limiting the time within which insurance companies or lawyers may contact persons following issuance of a speeding ticket or following an accident.

More generally, however, Rule 7.3 of the Rules of Professional Conduct (see attached) restricts the manner in which lawyers may directly contact potential clients. Unless the person contacted is a lawyer or has a family, close personal, or prior professional relationship with the lawyer, professional employment may not be solicited by in-person, live telephone or real-time electronic contact. Targeted written communications to persons other than attorneys or persons with whom there is a family, close personal, or prior professional relationship must include a notice in capital letters printed on the front of the envelope and at the beginning of the body of the letter, that it is an advertisement for legal services. Similar notice requirements apply to electronic and recorded communications.

BILL ANALYSIS: Section 1 of the PCS to House Bill 87 enacts a new subdivision (14) to G.S. 58-63-15 making it an unfair and deceptive act or practice in the business of insurance for an insurance company to initiate communication with a person involved in an accident or a relative of that person within thirty days of the occurrence of the accident.

The Commissioner of Insurance investigates violations of G.S. 58-63-15 and can issue cease and desist orders pursuant to G.S. 58-63-32. Any person who violates a cease and desist order is subject to a penalty of between $1,000 and $5,000 for each violation pursuant to G.S. 58-63-50. In addition, a violation of G.S. 58-63-15 constitutes a violation of G.S. 75-1.1, for which the violator may be subject to treble damages and attorneys fees in an action brought pursuant to G.S. 75-16 by any person injured by the violation.

Section 2 of the PCS enacts a new G.S. 84-39, prohibiting attorneys from initiating communications relating to a citation for speeding or a claim arising out of an accident or injury involving the person to whom the communication is addressed or a relative of that person, within thirty days of the issuance of the citation or the occurrence of the accident or injury. A violation of this prohibition is a Class 1 misdemeanor. In addition, the State Bar is authorized to seek injunctive relief against persons violating this section pursuant to G.S. 84-37..

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

H87-SMTG-29(CSTG-23) v3

Information About Legal Services

Rule 7.3 Direct Contact with Potential Clients

(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment from a potential client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:

(1) is a lawyer; or

(2) has a family, close personal, or prior professional relationship with the lawyer.

(b) A lawyer shall not solicit professional employment from a potential client by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

(1) the potential client has made known to the lawyer a desire not to be solicited by the lawyer; or

(2) the solicitation involves coercion, duress, harassment, compulsion, intimidation, or threats.

(c) Targeted Communications. Unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2), every written, recorded, or electronic communication from a lawyer soliciting professional employment from a potential client known to be in need of legal services in a particular matter shall include the statement, in capital letters, "THIS IS AN ADVERTISEMENT FOR LEGAL SERVICES" (the advertising notice) subject to the following requirements:

(1) Written Communications. Written communications shall be mailed in an envelope. The advertising notice shall be printed on the front of the envelope, in font that is as large as any other printing on the envelope. The front of the envelope shall contain no printing other than the name of the lawyer or law firm and return address, the name and address of the recipient, and the advertising notice. The advertising notice shall also be printed at the beginning of the body of the letter in font as large or larger than the lawyer's or law firm's name in the letterhead or masthead.

(2) Electronic Communications. The advertising notice shall appear in the "in reference" block of the address section of the communication. No other statement shall appear in this block. The advertising notice shall also appear, at the beginning and ending of the electronic communication, in a font as large or larger than the lawyer's or law firm's name in any masthead on the communication.

(3) Recorded Communications. The advertising notice shall be clearly articulated at the beginning and ending of the recorded communication.

(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan subject to the following:

(1) Definition. A prepaid legal services plan or a group legal services plan ("a plan") is any arrangement by which a person, firm, or corporation, not otherwise authorized to engage in the practice of law, in exchange for any valuable consideration, offers to provide or arranges the provision of legal services that are paid for in advance of any immediate need for the specified legal service ("covered services"). In addition to covered services, a plan may provide specified legal services at fees that are less than what a non-member of the plan would normally pay. The North Carolina legal services offered by a plan must be provided by a licensed lawyer who is not an employee, director or owner of the plan. A prepaid legal services plan does not include the sale of an identified, limited legal service, such as drafting a will, for a fixed, one-time fee.

(2) Conditions for Participation.

(A) The plan must be operated by an organization that is not owned or directed by the lawyer;

(B) The plan must be registered with the North Carolina State Bar and comply with all applicable rules regarding such plans;

(C)The lawyer must notify the State Bar in writing before participating in a plan and must notify the State Bar no later than 30 days after the lawyer discontinues participation in the plan;

(D) After reasonable investigation, the lawyer must have a good faith belief that the plan is being operated in compliance with the Revised Rules of Professional Conduct and other pertinent rules of the State Bar;

(E) All advertisements by the plan representing that it is registered with the State Bar shall also explain that registration does not constitute approval by the State Bar; and

(F) Notwithstanding the prohibitions in paragraph (a), the plan may use in-person or telephone contact to solicit memberships or subscriptions provided:

(i) The solicited person is not known to need legal services in a particular matter covered by the plan; and

(ii) The contact does not involve coercion, duress, or harassment and the communication with the solicited person is not false, deceptive or misleading.

(e) For purposes of this rule, a potential client is a person with whom a lawyer would like to form a client-lawyer relationship.

H 5

HOUSE BILL 87
Committee Substitute Favorable 3/16/11
Third Edition Engrossed 3/29/11
Committee Substitute #2 Favorable 4/4/11
Corrected Copy 4/5/11

Short Title: Sunshine Act. (Public)

Sponsors:

Referred to:

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article XIV of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 6. Access to public records and meetings.**

(1) Every natural person who is a citizen of the State has the right to inspect or copy any public record made or received in connection with the official business of any agency, public officer, or official of the State, or persons acting on their behalf, except with respect to records exempted pursuant to this Section. This Section specifically includes the legislative and executive branches of government and each agency or department created thereunder; counties, municipalities, governmental subdivisions, units of local government, and special districts; and every office, board, commission, or entity created pursuant to law or this Constitution. An agency of North Carolina government or its subdivisions may charge a reasonable fee for the cost of compiling as well as copying public records requested pursuant to this subsection of this Section.

(2) All meetings of any public body of the executive branch of State government or of any public body of a county, municipality, governmental subdivision, unit of local government, or special district at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public, and meetings of either house of the General Assembly shall be open and public notice given as provided by law, except with respect to meetings exempted pursuant to this Section.

(3) This Section is self-executing. The General Assembly, however, may provide by general law passed by a three-fifths vote of the members present and voting of each house for the exemption of records from the requirements of subsection (1) of this Section and the exemption of meetings from the requirements of subsection (2) of this Section, provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws governing the enforcement of this Section, including the maintenance, control, destruction, disposal, and disposition of records made public by this Section, except that each house of the General Assembly may adopt rules governing the enforcement of this Section in relation to records of that house. Laws enacted pursuant to this subsection shall contain only

exemptions from the requirements of subsection (1) or (2) of this Section and provisions governing the enforcement of this Section and shall relate to one subject.

(4) All statutes, rules, case law, and common law that are in effect on January 1, 2013, that limit public access to records or meetings shall remain in force until amended or repealed."

SECTION 2. The amendments set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election on November 6, 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendments providing that all State and local government public records are open to inspection and copying, and all State and local government meetings are open to the public, subject in either case to general law passed by three-fifths vote in each house of the General Assembly providing for exemptions in case of public necessity."

SECTION 3. If a majority of votes cast on the question are in favor of the constitutional amendment set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State. The constitutional amendment is effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

HOUSE RESOLUTION 563

Sponsors:	Representatives Michaux, Ross, Martin, and Weiss (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

March 31, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF RALPH CAMPBELL, JR., FORMER STATE AUDITOR.

Whereas, Ralph Campbell, Jr., was born on December 7, 1946, in Raleigh, North Carolina, to Ralph Campbell, Sr., and June Kay Campbell; and

Whereas, Ralph Campbell, Jr., graduated from J. W. Ligon High School in 1964, earned a B.S. degree in Business Administration with a concentration in Accounting from St. Augustine's College in 1968, and furthered his education by attending the graduate program in business at North Carolina Central University; and

Whereas, Ralph Campbell, Jr., served as an SP-4 in the Field Artillery Unit of the United States Army Reserves from 1971 to 1977; and

Whereas, Ralph Campbell, Jr., served as a Field Auditor for the North Carolina Department of Revenue from 1977 to 1986, as a Plan Auditor for the State Health Benefits Office from 1986 to 1990, and as an Administrative Officer for the North Carolina Department of Insurance from 1990 to 1992; and

Whereas, Ralph Campbell, Jr., was elected to the Raleigh City Council in 1985, reelected to three additional terms in 1987, 1989, 1991, and served as Mayor Pro Tem from 1989 to 1991; and

Whereas, Ralph Campbell, Jr., was elected as State Auditor in 1992, becoming the first African-American to be elected to a statewide executive office in North Carolina; and

Whereas, Ralph Campbell, Jr., was reelected State Auditor for two additional terms in 1996 and 2000; and

Whereas, during his tenure as State Auditor, Ralph Campbell, Jr., helped upgrade technology in the State Auditor's Office and completed more than 3,600 audits of various State departments and agencies; and

Whereas, in 2005, Ralph Campbell, Jr., founded R. Campbell and Associates, a firm that specialized in auditing, information systems, and consulting services, and served as the firm's CEO and President; and

Whereas, Ralph Campbell, Jr., later worked with the Government Accounting Office in Washington, D.C.; and

Whereas, Ralph Campbell, Jr., served as a member of several professional organizations, including the National State Auditors Association, as president; the National Association of State Auditors, Comptrollers and Treasurers; Southeastern Inter-Governmental Audit Forum, as chair; Association of Certified Fraud Examiners; National Forum for Black Public Administrators; the National Electronic Commerce Coordinating Council; and the Electronic Benefits Transfer Council's Fraud and Audit Committee, as chair; and

Whereas, Ralph Campbell, Jr., rendered distinguished service to many State boards and commissions, including the North Carolina Information Resource Management Commission, serving as chair; the North Carolina Local Government Commission; the North Carolina Capital Planning Commission; the North Carolina Educational Facilities Finance Agency Board; the Public School Administrators Task Force; and Local Government Partnership Council; and

Whereas, Ralph Campbell, Jr., was devoted to his community, serving on the Downtown Raleigh Alliance; the St. Augustine's College Board of Trustees; the Shaw Divinity School Board of Trustees; the North Carolina Black Elected Municipal Officials, as Treasurer; the Triangle J Council of Governments, World Class Region; the Raleigh United Negro College Fund, as co-chair; the North Carolina Black Leadership Caucus, as treasurer; the National League of Cities Human Development Steering Committee; the Wake County Education Foundation; the Wake United Way; and the Occoneechee Council of the Boy Scouts of America; and

Whereas, Ralph Campbell, Jr., was active in several fraternal organizations, including Omega Psi Phi Fraternity, Widow's Son Lodge No. 4, and Kabala Temple No. 177; and

Whereas, as a result of his commitment to his community and public service, Ralph Campbell, Jr., was honored with several awards and distinctions, including an Honorary Doctor of Laws from Livingstone College in 2003, the North Carolina Electronics and Information Technologies Association's Award for Public Leadership in Technology in 2000, the U.S. Department of Health and Human Services Auditor General's Integrity Award in 1995, an Honorary Doctor of Christian Letters from Shaw University Divinity School in 1991, an Honorary Doctor of Humane Letters from St. Augustine's College in 1990, the State of North Carolina's Order of the Long Leaf Pine in 1985, and Omega Psi Phi Fraternity's Omega Man of the Year in 1984; and

Whereas, Ralph Campbell, Jr., was a member of St. Ambrose Episcopal Church in Raleigh; and

Whereas, Ralph Campbell, Jr., died on January 11, 2011, at the age of 64; and

Whereas, Ralph Campbell, Jr., leaves to mourn his loss two brothers, Bill Campbell and Edwin Campbell; a sister, Mildred Campbell Christmas; and five nieces and nephews; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Ralph Campbell, Jr., and expresses the deep gratitude and appreciation of this State and its citizens for his life and service to North Carolina.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of Ralph Campbell, Jr., for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Ralph Campbell, Jr.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 622
PROPOSED COMMITTEE SUBSTITUTE H622-CSTH-5 [v.4]

6/2/2011 10:51:16 AM

Short Title: Nursing Homes/Food Service Inspections. (Public)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT NURSING HOMES AND NURSING HOME BEDS LICENSED UNDER CHAPTER 131E THAT ARE ALSO CERTIFIED BY MEDICARE AND MEDICAID SHALL BE LIMITED TO ONE INSPECTION PER YEAR UNLESS THE FACILITY RECEIVES A GRADE "B" OR LOWER ON ITS ANNUAL INSPECTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-235 is amended by adding a new subsection to read:

"**§ 130A-235. Regulation of sanitation in institutions; setback requirements applicable to certain water supply wells.**

(a) For protection of the public health, the Commission shall adopt rules to establish sanitation requirements for all institutions and facilities at which individuals are provided room or board and for which a license to operate is required to be obtained or a certificate for payment is obtained from the Department. The rules shall also apply to facilities that provide room and board to individuals but are exempt from licensure under G.S. 131D-10.4(1). No other State agency may adopt rules to establish sanitation requirements for these institutions and facilities. The Department shall issue a license to operate or a certificate for payment to such an institution or facility only upon compliance with all applicable sanitation rules of the Commission, and the Department may suspend or revoke a license or a certificate for payment for violation of these rules. In adopting rules pursuant to this section, the Commission shall define categories of standards to which such institutions and facilities shall be subject and shall establish criteria for the placement of any such institution or facility into one of the categories. This section shall not apply to State institutions and facilities subject to inspection under G.S. 130A-5(10). This section shall not apply to a single-family dwelling that is used for a family foster home or a therapeutic foster home, as those terms are defined in G.S. 131D-10.2.

(a1) The frequency of food service inspections in nursing homes or nursing home beds licensed under Part 1 of Article 5 of Chapter 131E of the General Statutes or Part 1 of Article 6 of Chapter 131E of the General Statutes that are also certified by the Centers for Medicare and Medicaid Services shall be limited to one inspection per year. If the facility receives a grade "B" or lower on its annual food service inspection, the county may conduct quarterly inspections until the food service operation achieves a grade "A" sanitation score.

(b) Rules that establish a minimum distance from a building foundation for a water supply well shall provide that an institution or facility located in a single-family dwelling

served by a water supply well that is located closer to a building foundation than the minimum distance specified in the rules may be licensed or approved if the results of water testing meet or exceed standards established by the Commission and there are no other potential health hazards associated with the well. At the time of application for licensure or approval, water shall be sampled and tested for pesticides, nitrates, and bacteria. Thereafter, water shall be sampled and tested at intervals determined by the Commission but not less than annually. A registered sanitarian or other health official who is qualified by training and experience shall collect the water samples as required by this subsection and may examine the well location to determine if there are other potential health hazards associated with the well. A well shall comply with all other applicable sanitation requirements established by the Commission.

(c) The Department may suspend or revoke a license or approval for a violation of this section or rules adopted by the Commission."

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

HOUSE BILL 759

Short Title:	Study Chicken House Fire Codes.	(Public)
Sponsors:	Representatives Committee on Rules, Calendar, and Operations of the House (Primary Sponsor) For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE THE COMMERCIAL POULTRY HOUSE FIRE CODE LEGISLATIVE STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Commission Created. – There is created the Commercial Poultry House Fire Code Legislative Study Commission ("Commission"). The Commission shall consist of 12 voting members appointed as follows:

(1) Four members appointed by the Governor, to include:
  a. One person who is a farmer engaged in the production of chickens.
  b. One person who is a representative of the State Building Codes Council.
  c. Two members of the general public.

(2) Four members appointed by the President Pro Tempore of the Senate, to include:
  a. Three members of the Senate.
  b. One member of the general public.

(3) Four members appointed by the Speaker of the House of Representatives, to include:
  a. Three members of the House of Representatives.
  b. One member of the general public.

SECTION 2.(a) Purposes. – The Commission shall do the following:

(1) Study the applicability, feasibility, and cost-effectiveness of current requirements for fire ratings, inspections, and fire flow under both the North Carolina Fire Code and under guidelines of the Insurance Services Office. For purposes of this section "North Carolina Fire Code" means the 2006 International Fire Code with 2009 North Carolina Amendments adopted by the State Building Code Council.

(2) Study any other matters that the Commission deems relevant.

(3) Make an interim report to the General Assembly by the convening of the 2012 Regular Session of the 2011 General Assembly.

(4) Make a final report to the 2013 General Assembly that includes findings, recommendations, and legislative proposals relating to fire codes for commercial poultry houses.

SECTION 2.(b) Termination. – The Commission shall terminate upon filing its final report.

SECTION 2.(c) Committee Operations. – The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint a cochair for the Commission. The Commission may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives and the Senate Directors of Legislative Assistants. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. Members of the Commission shall receive per diem, subsistence, and travel allowances at the rate established in G.S. 120-3.1. The appointing authority shall fill vacancies. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses.

SECTION 3. Appropriation. – There is appropriated from the General Fund to the General Assembly the sum of twenty-five thousand dollars ($25,000) for the 2011-2012 fiscal year and the sum of twenty-five thousand dollars ($25,000) for the 2012-2013 fiscal year to fund the work of the Commercial Poultry House Fire Code Legislative Study Commission created by this act.

SECTION 4. Effective Date. – This act becomes effective July 1, 2011.

HOUSE JOINT RESOLUTION 760
Corrected Copy 4/11/11

Sponsors:	Committee on Rules, Calendar, and Operations of the House (Primary Sponsor) For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

April 7, 2011

A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE OBSTACLES ENCOUNTERED IN SEEKING EMPLOYMENT BY PERSONS WHO HAVE COMMITTED RELATIVELY MINOR CRIMINAL OFFENSES, THE NEED FOR EMPLOYERS TO HAVE ACCURATE CRIMINAL INFORMATION ABOUT POTENTIAL EMPLOYEES, AND THE FEASIBILITY OF DEVELOPING AND IMPLEMENTING AN EXPUNCTION PROCEDURE THAT STRIKES THE APPROPRIATE BALANCE BETWEEN THOSE CONCERNS.

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

SECTION 1. The Legislative Research Commission may study whether current law strikes an appropriate balance between an employer's need for access to accurate criminal history information about potential employees and the need for a person who committed a relatively minor offense in the distant past to obtain employment in spite of the person's criminal history. If the Legislative Research Commission finds that it may be possible to achieve a better balance between these interests, then the Legislative Research Commission may further consider what type of expunction procedure may be developed and implemented that addresses the interests and concerns of employers, but also affords some appropriate relief to persons with a relatively minor past criminal conviction. In its study, the Commission may consider all of the following:

(1) The effect of a person's criminal record with regard to a person's ability to obtain employment.

(2) The reasons that an employer may need to know about a potential employee's criminal record.

(3) What types of criminal records may or may not be relevant with regard to certain types of employment.

(4) What criminal offenses, if any, it may be reasonable to allow to be expunged from a person's record, the time period or other criteria that should be used to determine whether it is appropriate to allow the expunction, and whether the offense should be completely erased from the criminal record so that the person has no criminal record, or retained but limit the accessibility of the record only for certain purposes.

(5) Any other issues the Commission considers relevant to this topic.

SECTION 2. The Legislative Research Commission may make an interim report to the 2011 General Assembly when it reconvenes in 2012 and shall make its final report to the 2013 General Assembly.

SECTION 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 759
PROPOSED COMMITTEE SUBSTITUTE H759-CSRK-85 [v.1]

6/2/2011 9:06:03 AM

Short Title: Attempted Armed Robbery/Lesser Included. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE A LESSER INCLUDED OFFENSE OF ATTEMPTED ARMED ROBBERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-87(a) reads as rewritten:

" (a) Any person or persons who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes ~~or attempts to take~~ personal property from another or from any place of business, residence or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime, shall be guilty of a Class D felony."

SECTION 2. This act becomes effective July 1, 2011, and applies to offenses committed on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. ~~622~~ 622 DATE 6/2/2011

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE X

Rep.) Luebke
Sen.)

1 moves to amend the bill on page 1, line 30

2 ( ) WHICH CHANGES THE TITLE

3 by deleting the word "quarterly".

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SIGNED

ADOPTED X FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 563 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF RALPH CAMPBELL, JR., FORMER STATE AUDITOR.

☒ With recommendation that it be adopted.

(FOR JOURNAL USE ONLY)

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

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

VISITOR REGISTRATION SHEET

RULES — 6-2-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	TMK - LPA
Allison Forde	NC Grange
H. Tasaico	NC DOT
Kerri Bard	NWC
Ivan Holcomb	NCSFA
Julie Robinson	NCSEA
David McGowan	NCAR

VISITOR REGISTRATION SHEET

Rules — 6/2/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
W. Dawn Cuban	DLC + Assoc
Bop Ford	NC Poultry Fed
Daniel Raint	DENR
Kari Barsness	DENR
Kevin Leonard	NCACC
Eddie Caldwell	NC Sheriffs' Assn.
Philip Isley	NCAJ
Fred Baggett	Smith Moore L
Jessi Hays	NCHBA
Andrew Cagle	North Carolina Sheriffs' Assn
Lisa Martin	NC Home Builders

VISITOR REGISTRATION SHEET

Rules — 6/2/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Katherine Ross	PRNS
Dave Foster	City of Charlotte

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 3, 2011

The Committee on Rules, Calendar and Operations of the House met on June 3, 2011 at 1:00 pm in Room 643 of the Legislative Office Building. The following members were present: Representative Moore Chair, Representative LaRoque Chair, Representative Owens Vice Chair, Representative Rhyne vice Chair, Representatives Daughtry, Farmer-Butterfield, Hackney, Hill, Hilton, Jeffus, Luebke, McComas, Moffitt, Samuelson, Stan, and Stone.

Rep. Tim Moore presided and recognized the Sergeant-at-arms.

The following bills were considered:

S727 No Dues Checkoff for School Employees. (Senator Hise, Primary Sponsor) Rep. Stam was recognized to explain the bill. Rep. Hackney made a motion not to hear the bill. Vote was called. Motion failed. Discussion and debate on the bill. Rep. Luebke put forth an amendment. Vote was called on the amendment. Amendment was ruled out of order. Rep Luebke called for the Aye's and No's. Rep. Hilton motioned for a favorable repor. Vote was roll-called; motion passed.

HB 87 Accident/Ticket 30-Day No Contact. (Representatives LaRoque and Moore, Primary Sponsors). Representative Gillespie was recognized and made a motion to place a PCS before the committee. Representative LaRoque was recognized to explain the bill. Discussion and debate on the bill. Rep. LaRoque sent forth an amendment. Vote was called and amendment was adopted. Rep. McComas sent forth an amendment. Vote was called and amendment was adopted. Rep. Daughtry motioned for a favorable report to the PCS as amended to roll into a new PCS, unfavorable to the original and re-referred to Judiciary A. Vote was called. Motion passed.

Chair Moore adjourned at 1:29 pm.

Respectfully submitted:

Rep Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

June 3, 2011

1:00 PM

643 LOB

Representative Tim Moore Presiding

Remarks:

HB 87	Sunshine Act.	Representative LaRoque Representative Moore
HB 763	License Plate Agency Contracts.	Representative Lewis

Adjourn

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Friday, June 3, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 87	Sunshine Act.	Representative LaRoque Representative Moore
HB 763	License Plate Agency Contracts.	Representative Lewis

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3 PM** o'clock on **June 02, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

HOUSE BILL 763

Short Title:	License Plate Agency Contracts.	(Public)
Sponsors:	Representative Lewis (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Program Evaluation Oversight Committee shall include in the 2011-2012 Work Plan for the Program Evaluation Division of the General Assembly a study to evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program, authorized in G.S. 20-63(h), to determine the cost effectiveness and savings that can be effected by changing or maintaining the current operating procedures and to develop any plans or practices that, if implemented, would result in increased operating efficiency of the Division of Motor Vehicles' Commission Contract program.

SECTION 2. The Program Evaluation Division shall submit its findings and recommendations for Section 1 of this act to the Joint Legislative Program Evaluation Oversight Committee, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

SECTION 3. The Commissioner of Motor Vehicles shall not cancel any commission contracts for any reason other than malfeasance, misfeasance, or nonfeasance of the commission contractor until the study required by this act is complete and final recommendations have been acted upon by the Joint Legislative Program Evaluation Oversight Committee.

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

HOUSE BILL 87:
Accident/Ticket 30 Day No Contact

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 1, 2011
Introduced by:	Reps. LaRoque, T. Moore	**Prepared by:**	Bill Patterson
Analysis of:	PCS to Fifth Edition H87-CSTG-23		Committee Counsel

SUMMARY: ***The PCS to House Bill 87 prohibits attorneys from contacting persons charged with speeding or the victim of an accident within 30 days following the citation or accident, and makes it an unfair and deceptive trade practice for an insurer to contact an accident victim within 30 days following the accident.***

CURRENT LAW: There are no current statutory provisions limiting the time within which insurance companies or lawyers may contact persons following issuance of a speeding ticket or following an accident.

More generally, however, Rule 7.3 of the Rules of Professional Conduct (see attached) restricts the manner in which lawyers may directly contact potential clients. Unless the person contacted is a lawyer or has a family, close personal, or prior professional relationship with the lawyer, professional employment may not be solicited by in-person, live telephone or real-time electronic contact. Targeted written communications to persons other than attorneys or persons with whom there is a family, close personal, or prior professional relationship must include a notice in capital letters printed on the front of the envelope and at the beginning of the body of the letter, that it is an advertisement for legal services. Similar notice requirements apply to electronic and recorded communications.

BILL ANALYSIS: Section 1 of the PCS to House Bill 87 enacts a new subdivision (14) to G.S. 58-63-15 making it an unfair and deceptive act or practice in the business of insurance for an insurance company to initiate communication with a person involved in an accident or a relative of that person within thirty days of the occurrence of the accident.

The Commissioner of Insurance investigates violations of G.S. 58-63-15 and can issue cease and desist orders pursuant to G.S. 58-63-32. Any person who violates a cease and desist order is subject to a penalty of between $1,000 and $5,000 for each violation pursuant to G.S. 58-63-50. In addition, a violation of G.S. 58-63-15 constitutes a violation of G.S. 75-1.1, for which the violator may be subject to treble damages and attorneys fees in an action brought pursuant to G.S. 75-16 by any person injured by the violation.

Section 2 of the PCS enacts a new G.S. 84-39, prohibiting attorneys from initiating communications relating to a citation for speeding or a claim arising out of an accident or injury involving the person to whom the communication is addressed or a relative of that person, within thirty days of the issuance of the citation or the occurrence of the accident or injury. A violation of this prohibition is a Class 1 misdemeanor. In addition, the State Bar is authorized to seek injunctive relief against persons violating this section pursuant to G.S. 84-37..

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

H87-SMTG-29(CSTG-23) v3

Information About Legal Services

Rule 7.3 Direct Contact with Potential Clients

(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment from a potential client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:

(1) is a lawyer; or

(2) has a family, close personal, or prior professional relationship with the lawyer.

(b) A lawyer shall not solicit professional employment from a potential client by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

(1) the potential client has made known to the lawyer a desire not to be solicited by the lawyer; or

(2) the solicitation involves coercion, duress, harassment, compulsion, intimidation, or threats.

(c) Targeted Communications. Unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2), every written, recorded, or electronic communication from a lawyer soliciting professional employment from a potential client known to be in need of legal services in a particular matter shall include the statement, in capital letters, "THIS IS AN ADVERTISEMENT FOR LEGAL SERVICES" (the advertising notice) subject to the following requirements:

(1) Written Communications. Written communications shall be mailed in an envelope. The advertising notice shall be printed on the front of the envelope, in font that is as large as any other printing on the envelope. The front of the envelope shall contain no printing other than the name of the lawyer or law firm and return address, the name and address of the recipient, and the advertising notice. The advertising notice shall also be printed at the beginning of the body of the letter in font as large or larger than the lawyer's or law firm's name in the letterhead or masthead.

(2) Electronic Communications. The advertising notice shall appear in the "in reference" block of the address section of the communication. No other statement shall appear in this block. The advertising notice shall also appear, at the beginning and ending of the electronic communication, in a font as large or larger than the lawyer's or law firm's name in any masthead on the communication.

(3) Recorded Communications. The advertising notice shall be clearly articulated at the beginning and ending of the recorded communication.

(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan subject to the following:

(1) Definition. A prepaid legal services plan or a group legal services plan ("a plan") is any arrangement by which a person, firm, or corporation, not otherwise authorized to engage in the practice of law, in exchange for any valuable consideration, offers to provide or arranges the provision of legal services that are paid for in advance of any immediate need for the specified legal service ("covered services"). In addition to covered services, a plan may provide specified legal services at fees that are less than what a non-member of the plan would normally pay. The North Carolina legal services offered by a plan must be provided by a licensed lawyer who is not an employee, director or owner of the plan. A prepaid legal services plan does not include the sale of an identified, limited legal service, such as drafting a will, for a fixed, one-time fee.

(2) Conditions for Participation.

(A) The plan must be operated by an organization that is not owned or directed by the lawyer;

(B) The plan must be registered with the North Carolina State Bar and comply with all applicable rules regarding such plans;

(C)The lawyer must notify the State Bar in writing before participating in a plan and must notify the State Bar no later than 30 days after the lawyer discontinues participation in the plan;

(D) After reasonable investigation, the lawyer must have a good faith belief that the plan is being operated in compliance with the Revised Rules of Professional Conduct and other pertinent rules of the State Bar;

(E) All advertisements by the plan representing that it is registered with the State Bar shall also explain that registration does not constitute approval by the State Bar; and

(F) Notwithstanding the prohibitions in paragraph (a), the plan may use in-person or telephone contact to solicit memberships or subscriptions provided:

(i) The solicited person is not known to need legal services in a particular matter covered by the plan; and

(ii) The contact does not involve coercion, duress, or harassment and the communication with the solicited person is not false, deceptive or misleading.

(e) For purposes of this rule, a potential client is a person with whom a lawyer would like to form a client-lawyer relationship.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 87
Committee Substitute Favorable 3/16/11
Third Edition Engrossed 3/29/11
Committee Substitute #2 Favorable 4/4/11
Corrected Copy 4/5/11
PROPOSED COMMITTEE SUBSTITUTE H87-CSTG-23 [v.4]

6/2/2011 9:41:24 AM

Short Title: Accident/Ticket 30 Day No Contact. (Public)

Sponsors:

Referred to:

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A 30 DAY MORATORIUM ON COMMERCIAL COMMUNICATIONS WITH ACCIDENT VICTIMS AND PERSONS CHARGED WITH SPEEDING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-63-15 is amended by adding a new subdivision to read:

"**§ 58-63-15. Unfair methods of competition and unfair or deceptive acts or practices defined.**

The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

...

(14) Soliciting or Communicating with Injured Party. – Initiating communication with a person if the communication concerns a personal injury or wrongful death or otherwise relates to an accident or injury involving the person to whom the communication is addressed or a relative of that person, unless the accident or injury occurred more than 30 days prior to the making of the communication. Nothing contained in this subdivision, however, shall be construed to prevent a person from contacting or communicating with an insurer, adjuster, or other agent or employee of an insurer at any time."

SECTION 2. Article 4 of Chapter 84 of the General Statutes is amended by adding a new section to read:

"**§ 84-39. Solicitation for legal services.**

It shall be unlawful for an attorney to initiate, or knowingly permit to be initiated on behalf of the attorney, a communication to a prospective client for the purpose of offering legal services if the communication concerns a citation for violation of G.S. 20-141 or concerns an accident or injury involving the person to whom the communication is addressed or a relative of that person, unless the issuance of the citation or the accident or injury occurred more than 30 days prior to the initiation of the communication.

Any person, firm, corporation or association of persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

The council of the North Carolina State Bar is hereby authorized and empowered to investigate and bring an action against persons charged with violations of this section and the provisions as set forth in G.S. 84-37 shall apply. Nothing in this section shall be construed to supersede the authority of district attorneys to seek injunctive relief or institute criminal proceedings in the same manner as provided for in G.S. 84-7 or to abridge the inherent powers of the courts to deal with such matters, nor shall this section be construed to prevent any person from contacting or communicating with an attorney at any time."

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

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

HB 87 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

☒ With a favorable report as to Committee Substitute Bill 2, which changes the title, unfavorable as to Committee Substitute Bill 1, and recommendation that Committee Substitute Bill 2 be re-referred to the Committee on JUDICIARY SUBCOMMITTEE A.

(FOR JOURNAL USE ONLY)

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

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

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

SENATE BILL 727

Rules and Operations of the Senate Committee Substitute Adopted 5/19/11

Short Title: No Dues Checkoff for School Employees. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-426.40A(g) reads as rewritten:

"(g) Payroll Deduction for Payments to Certain Employees' Associations Allowed. – An employee of the State or any of its political ~~subdivisions,~~ subdivisions other than local boards of education, institutions, departments, bureaus, agencies or commissions, or any of its ~~local boards of education or~~ community colleges, who is a member of a domiciled employees' association that has at least 2,000 members, 500 of whom are employees of the ~~State,~~ State or a political subdivision of the ~~State, or public school employees,~~ State other than a local board of education, may authorize, in writing, the periodic deduction each payroll period from the employee's salary or wages a designated lump sum to be paid to the employees' association. A political subdivision may also allow periodic deductions for a domiciled employees' association that does not otherwise meet the minimum membership requirements set forth in this paragraph.

~~An employee of any local board of education who is a member of a domiciled employees' association that has at least 40,000 members, the majority of whom are public school teachers, may authorize in writing the periodic deduction each payroll period from the employee's salary or wages a designated lump sum or sums to be paid for dues and voluntary contributions for the employees' association.~~

An authorization under this subsection shall remain in effect until revoked by the employee. A plan of payroll deductions pursuant to this subsection for employees of the State and other association members shall become void if the employees' association engages in collective bargaining with the State, any political subdivision of the State, or any local school administrative unit. This subsection does not apply to county or municipal governments or any local governmental ~~unit, except for local boards of education.~~unit."

SECTION 2. G.S. 135-18.8 reads as rewritten:

"**§ 135-18.8. Deduction for payments to certain employees' or retirees' associations allowed.**

Any beneficiary who is a member of a domiciled employees' or retirees' association that has at least 2,000 members, the majority of whom are active or retired employees of the ~~State or public school employees,~~ State may authorize, in writing, the periodic deduction from the beneficiary's retirement benefits a designated lump sum to be paid to the employees' or retirees' association. The authorization shall remain in effect until revoked by the beneficiary. A plan of deductions pursuant to this section shall become void if the employees' or retirees' association

engages in collective bargaining with the State, any political subdivision of the State, or any local school administrative unit."

SECTION 3. This act becomes effective July 1, 2011.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SB 727 A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 87 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

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

(FOR JOURNAL USE ONLY)

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

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

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. ~~680~~

S. B. No. 727

DATE _____

Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Sen.) Luebke

moves to amend the bill on page S 1 & 2, line S ~~7-8~~

( ) WHICH CHANGES THE TITLE

by ~~removing all rewriting the title~~ to read.

~~employee of the State or any of its political subdivisions,~~)

by removing all revisions.

Ruled out of order.

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

Senate B. 1127

ROLL CALL VOTE

10 YES 6 NO = _____(TOTAL)

HB# _____
SB# _____

HOUSE STANDING COMMITTEE ON Rules

House Subcommittee on Rules

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
X		LaRoque			
X		T. Moore			
	X	Owens			
X		Rhyne			
		M. Alexander			
		Blust			
		Crawford			
X		Daughtry			
		Faison			
	X	Farmer-Butterfield			
		Folwell			
X		Gillespie			
	X	Hackney			
	X	Hill			
X		Hilton			
	X	Jeffus			
		Johnson			
	X	Luebke			
X		McComas			
		Moffitt			
X		Parmon			
X		Samuelson			
X		Stam			
X		Stone			
10	6				

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 87 DATE June 3, 2011

S. B. No. _____ Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.)
) _____
Sen.)

moves to amend the bill on page 1, line 6 thru - 29

( ) WHICH CHANGES THE TITLE

by deleting these lines in their entirety; and

~~On page 7, line 20, by deleting "(15)"~~ and ~~substituting~~ "(14)" or by renumbering Sections 2 and 3 accordingly.

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 87 DATE June 3, 2011

S. B. No. _____ Amendment No. 1

COMMITTEE SUBSTITUTE ✓ (to be filled in by Principal Clerk)

Rep.))
Sen.) LaRoque

moves to amend the bill on page 1, line 12

( ) WHICH CHANGES THE TITLE

by deleting the word "Communicating"

and substituting "Initiating a communication".

VISITOR REGISTRATION SHEET

RULES — Name of Committee

6/3/11 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Phillip Isley	NCAJ
Todd Barlow	NC Advocates for Justice
Amanda Obodin-Kramer	Gov. office
[illegible]	BMAC Insurance
Kristin Szafranski	JLF
Rose Willis	NCDOI
Susan Vaclavik	Nationwide
Bob Crumley	Crumley Roberts
Tommy Tate	
Kay Emanuel	Legislative Reporting
BERRY JENKINS	CAROLINAS AGC

VISITOR REGISTRATION SHEET

RULES — 6-3-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Stock	NCBA
Christie Barber	UNC
Ed Finkelstein	Brooks Pierce
Daniel Baum	Troutman Sanders
Dana Simpson	Smith Anderson
CS Hollis	TSS
Allison Waller	Nelson Mullins
Josh Lanier	Nelson Mullins
Bill Scobee	TSS
Ken Bruno	NCX
David Stallen	Stone Farm

VISITOR REGISTRATION SHEET

RULES — 6-3-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Britton Craig	NCAJ
Blake Proctor	
	Misc & LPA's
	NCACC
Mary Freeman	NCAE
Susan Beavers	T.S.

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 7, 2011

The Committee on Rules, Calendar and Operations of the House met on June 7, 2011 at 6:05 p.m. in Room 1327/1228 of the Legislative Building. The following members were present: Representative Moore Chair, Representative LaRoque Chair, Representative Owens Vice Chair, Representative Rhyne Vice Chair, Representatives Alexander, Blust, Crawford, Daughtry, Faison, Folwell, Hill, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Samuelson, Stam, and Stone.

Rep. Tim Moore presided.

The following bills were considered:

HB 66, Greene County Commissioners (Representative LaRoque, Primary Sponsor). Chair Moore accepted a motion from Rep. Stone to place the Proposed Committee Substitute before the committee. Rep. LaRoque was recognized to speak on the bill. Chair Moore recognized Rep. Stone for a motion of a favorable report to the Proposed Committee Substitute and unfavorable to the original bill. With the majority being in favor, the motion carried.

HB 467, Improve School Discipline (Representative Blust, Primary Sponsor). Chair Moore accepted a motion from Rep. Stone to place the Proposed Committee Substitute before the committee. Bill was temporarily displaced.

Chair Moore said the study bills would be taken up in one motion:

- **HB 183, Study HOAS/Foreclosures (Reps. Moore, Bryant, Hamilton, and Gill, Primary Sponsors)**
- **HB 281, ETJ Restrictions (Rep. LaRoque, Primary Sponsor)**
- **HB 389, Study Moped Registration and Liability Insurance (Rules, Calendar, and Operations of the House, Primary Sponsor)**
- **HB 450, LRC Study Auto Renewal Credit Card Contracts (Rep. Starnes, Primary Sponsor)**
- **HB 592, Study County Public-Private Partnerships (Reps. Collins, Howard, Tolson, and Carney, Primary Sponsors)**
- **HJR 612, Incapacity to Proceed/LRC Study (Reps. Randleman and Hurley, Primary Sponsors)**
- **HJR 760, LRC Study/Criminal Record Expunctions (Rules, Calendar, and Operations of the House, Primary Sponsor)**
- **HB 765, Study Length of School Year (Rep. Lewis, Primary Sponsor)**
- **HB 774, Study Insurance for Contract Growers (Rules, Calendar, and Operations of the House, Primary Sponsor)**
- **HB, 796, Study Property Tax Valuation Process (Rep. Moffitt, Primary Sponsor)**

- **HB 825, Jt. Legis. Study on Meth Lab Prevention (Reps. Glazier, Floyd, Carney, and Weiss, Primary Sponsors**
- **HB 836, Compensation Study/State Bds. And Comms. (Rep. McElraft, Primary Sponsor)**
- **HB 925, LRC Study. Metropolitan Sewerage/Water System (Rep. Moffitt, Primary Sponsor)**

Chair Moore recognized Rep. Stone for a motion of a favorable report to these bills. With the majority being in favor, the motion carried.

Chair Moore stated there are two Appropriations bills that would be voted on together:

HB 759, Study Chicken House Fire Codes (Rules, Calendar, and Operations of the House, Primary Sponsor)
HB 901, LRC to Study Protection of Masonboro Island, (Rep. McComas, Primary Sponsor)

Chair Moore recognized Rep. McComas for a motion of a favorable report on these two bills with a referral to Appropriations. With the majority in favor, the motion carried.

HB 628, Development Ready Jobs Study, (Reps. Jeffus and Faircloth, Primary Sponsors). Rep. Jeffus was recognized by Chair Moore for a motion of a favorable report. With the majority in favor, the motion carried.

HB 333, Adopt Official State Sport, (Reps. Mills, Johnson, Steen, II, and Owens, Jr., Primary Sponsors). Chair Moore recognized Rep. LaRoque for a motion of a favorable report. With the majority in favor, the motion carried.

HB 555, 2011 Speaker's Appointments Bill (Rules, Calendar and Operations of the House, Primary Sponsor). Rep. Moore spoke on the bill. Chair Moore recognized Rep. Rhyne for a motion for a favorable report. With the majority in favor, the motion carried.

HB 560, Honor Jeanne Fenner, (Reps. Farmer-Butterfield, Tolson, Michaux, and Hackney, Primary Sponsors). Rep. Stone was recognized by Chair Moore for a motion for a favorable report. With the majority in favor, the motion passed.

HR 731, Honor Ike Andrews, (Rep. Hackney, Primary Sponsor). Chair Moore recognized Rep. Moffitt for a motion of a favorable report. With the majority in favor, the motion passed.

HB 767, Honor Susan Mecum Burgess, (Reps. Cotham, Carney, Earle, and M. Alexander, Primary Sponsors). Rep. Rhyne was recognized by Chair Moore for a motion of a favorable report. With the majority in favor, the motion passed.

HB 858, Honor R. Philip Hanes, Jr., (Reps. Womble, Parmon, McGee, and Folwell, Primary Sponsors). Rep. Folwell was recognized by Chair Moore for a motion of a favorable report. With the majority in favor, the motion passed.

H757, Consolidate DV Commission/Council for Women (Rep. Cook, Primary Sponsor). Chair Moore accepted a motion from Rep. Moffitt to place the Proposed Committee Substitute before the committee. Rep. Cook spoke on the bill. Discussion and debate. Rep. Jeffus was recognized by Chair Moore for a motion of a favorable report to the Proposed Committee Substitute and unfavorable to the original bill. With the majority being in favor, the motion carried.

HB 800, Streamlining NC Economic Dev for Job Creation, (Reps. Murry, McComas, Moffitt and Collins, Primary Sponsors). Chair Moore accepted a motion from Rep. Stone to place the Proposed Committee Substitute before the committee. Discussion and debate. Public recognized to speak on the bill: Mary McMillian, Sec./Treasurer AFL-CIO. Further discussion and debate. A motion was accepted from Rep. Rhyne for a favorable report to the Proposed Committee Substitute that changes the title and unfavorable to the original bill. Division called and hands counted. 12 members yes and 7 members no. With the majority in favor, the motion carried.

HB 467, Improve School Discipline, (Rep. Blust, Primary Sponsor). Chair Moore accepted a motion from Rep. Daughtry to place the Proposed Committee Substitute before the committee. Rep. Blust was recognized to speak on the bill. Discussion and debate. Chair Moore accepted a motion from Rep. Daughtry for a favorable report to the Proposed Committee Substitute and unfavorable to the original bill. Division and hands counted. 12 members yes and 6 members no. With the majority in favor, the motion carried.

The meeting adjourned at 6:45 p.m.

Representative Tim Moore
Chair

Nancy Garriss
Committee Clerk

Rules, Calendar, and Operations of the House

Agenda

June 7, 2011

5:00 PM

1327 LB

Representative Stephen LaRoque Presiding

Remarks:

HB 467	Improve School Discipline.	Representative Blust
HB 800	Streamlining NC Economic Dev for Job Creation.	Representative Murry
		Representative McComas
		Representative Moffitt
		Representative Collins

Adjourn

Corrected Notice added Bill H467

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 7, 2011
TIME: 5:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 467	Improve School Discipline.	Representative Blust
HB 800	Streamlining NC Economic Dev for Job Creation.	Representative Murry Representative McComas Representative Moffitt Representative Collins

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **June 07, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice Time Change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 7, 2011
TIME: 5:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 800	Streamlining NC Economic Dev for Job Creation.	Representative Murry Representative McComas Representative Moffitt Representative Collins

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 AM** o'clock on **June 07, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice added H555

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 7, 2011
TIME: 5:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 467	Improve School Discipline.	Representative Blust
HB 555	2011 Speaker's Appointments Bill.	Representative
HB 800	Streamlining NC Economic Dev for Job Creation.	Representative Murry Representative McComas Representative Moffitt Representative Collins

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **June 07, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice Added Bills/ Time Change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 7, 2011
TIME: 6:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 66	Greene County Commissioners.	Representative LaRoque
HB 183	Study HOAS/Foreclosures.	Representative Moore Representative Bryant Representative Hamilton Representative Gill
HB 281	ETJ Restrictions.	Representative LaRoque
HB 286	Official Herring Festival.	Representative Warren
HB 333	Adopt Official State Sport.	Representative Mills Representative Johnson Representative Steen, II Representative Owens, Jr.
HB 389	Study Moped Registration and Liability Ins.	Representative
HB 450	LRC Study Auto Renewal Credit Card Contracts.	Representative Starnes
HB 467	Improve School Discipline.	Representative Blust
HB 555	2011 Speaker's Appointments Bill.	Representative
HR 560	Honor Jeanne Fenner.	Representative Farmer-Butterfield Representative Tolson Representative Michaux, Jr. Representative Hackney
HB 592	Study County Public-Private Partnerships.	Representative Collins Representative Howard Representative Tolson

		Representative Carney
HR 608	Honor B Holt.	Representative Bordsen Representative Martha B. Alexander Representative Ingle Representative Hackney
HJR 612	Incapacity To Proceed/LRC Study.	Representative Randleman Representative Hurley
HR 731	Honor Ike Andrews.	Representative Hackney
HB 759	Study Chicken House Fire Codes.	Representative
HJR 760	LRC Study/Criminal Record Expunctions.	Representative
HB 765	Study Length of School Year.	Representative Lewis
HR 767	Honor Susan Mecum Burgess.	Representative Cotham Representative Carney Representative Earle Representative Martha B. Alexander
HB 774	Study Insurance for Contract Growers.	Representative
HB 796	Study Property Tax Valuation Process.	Representative Moffitt
HB 800	Streamlining NC Economic Dev for Job Creation.	Representative Murry Representative McComas Representative Moffitt Representative Collins
HB 825	Jt. Legis. Study on Meth Lab Prevention.	Representative Glazier Representative Floyd Representative Carney Representative Weiss
HB 836	Compensation Study/State Bds. and Comms.	Representative McElraft
HB 841	Global TransPark PED Study.	Representative Howard
HR 858	Honor R. Philip Hanes, Jr.	Representative Womble Representative Parmon Representative McGee Representative Folwell
HB 901	LRC to Study Protection of Masonboro Island.	Representative McComas
HB 925	LRC Study Metropolitan Sewerage/Water System.	Representative Moffitt

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

2 PM o'clock on **June 07, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

HB 437	NH County Commissioners Accountability Act.	Representative McComas
HB 442	Cornelius Design-Build and Investments.	Representative Moore

Respectfully,

Representative LaRoque, Chair

Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 PM** o'clock on **June 07, 2011**.

Principal Clerk

Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

From: Dianne Russell (House Legislative Assistants Director)
Sent: Tuesday, June 07, 2011 10:39 PM
To: Rep. Tim Moore; Rep. Danny McComas
Cc: Nancy Garriss (Rep. Tim Moore); Judy Lowe (Rep. McComas)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 06-08-2011 at 1:00 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

BILL SPONSOR NOTIFICATION

2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 8, 2011

TIME: 1:00 pm

LOCATION: 1327 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR

Corrected Notice Added Bills/ Time Change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 7, 2011
TIME: 6:00 pm
LOCATION: 1327 LB
COMMENTS:

Mary Louise

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 66	Greene County Commissioners.	Representative LaRoque
HB 183	Study HOAS/Foreclosures.	Representative Moore Representative Bryant Representative Hamilton Representative Gill
HB 281	ETJ Restrictions.	Representative LaRoque
HB 286	Official Herring Festival.	Representative Warren
HB 333	Adopt Official State Sport.	Representative Mills Representative Johnson Representative Steen, II Representative Owens, Jr.
HB 389	Study Moped Registration and Liability Ins.	Representative
HB 450	LRC Study Auto Renewal Credit Card Contracts.	Representative Starnes
HB 467	Improve School Discipline.	Representative Blust
HB 555	2011 Speaker's Appointments Bill.	Representative
HR 560	Honor Jeanne Fenner.	Representative Farmer-Butterfield Representative Tolson Representative Michaux, Jr. Representative Hackney
HB 592	Study County Public-Private Partnerships.	Representative Collins Representative Howard Representative Tolson

		Representative Carney
HR 608	Honor B Holt.	Representative Bordsen Representative Martha B. Alexander Representative Ingle Representative Hackney
HJR 612	Incapacity To Proceed/LRC Study.	Representative Randleman Representative Hurley
HR 731	Honor Ike Andrews.	Representative Hackney
HB 759	Study Chicken House Fire Codes.	Representative
HJR 760	LRC Study/Criminal Record Expunctions.	Representative
HB 765	Study Length of School Year.	Representative Lewis
HR 767	Honor Susan Mecum Burgess.	Representative Cotham Representative Carney Representative Earle Representative Martha B. Alexander
HB 774	Study Insurance for Contract Growers.	Representative
HB 796	Study Property Tax Valuation Process.	Representative Moffitt
HB 800	Streamlining NC Economic Dev for Job Creation.	Representative Murry Representative McComas Representative Moffitt Representative Collins
HB 825	Jt. Legis. Study on Meth Lab Prevention.	Representative Glazier Representative Floyd Representative Carney Representative Weiss
HB 836	Compensation Study/State Bds. and Comms.	Representative McElraft
HB 841	Global TransPark PED Study.	Representative Howard
HR 858	Honor R. Philip Hanes, Jr.	Representative Womble Representative Parmon Representative McGee Representative Folwell
HB 901	LRC to Study Protection of Masonboro Island.	Representative McComas
HB 925	LRC Study Metropolitan Sewerage/Water System.	Representative Moffitt

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

2 PM o'clock on **June 07, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

From: Rep. Stephen LaRoque
t: Tuesday, June 07, 2011 1:22 PM
Lisa Kennedy (Rep. LaRoque)
Subject: HB-66

Lisa,

Add HB-66 to the Rules Calendar for today. It is the Greene County Districts Bill.

Thanks.

Rules, Calendar, and Operations of the House

Agenda

June 7, 2011, 6:00 PM

1327 LB

Representative Stephen LaRoque Presiding

Remarks:

HB 66	Greene County Commissioners.	Representative LaRoque
HB 183	Study HOAS/Foreclosures.	Representative Moore
		Representative Bryant
		Representative Hamilton
		Representative Gill
HB 281	ETJ Restrictions.	Representative LaRoque
HB 286	Official Herring Festival.	Representative Warren
HB 333	Adopt Official State Sport.	Representative Mills
		Representative Johnson
		Representative Steen, II
		Representative Owens, Jr.
HB 389	Study Moped Registration and Liability Ins.	
HB 450	LRC Study Auto Renewal Credit Card Contracts.	
		Representative Starnes
HB 467	Improve School Discipline.	Representative Blust
HB 555	2011 Speaker's Appointments Bill.	
HR 560	Honor Jeanne Fenner.	Representative Farmer-Butterfield

		Representative Tolson
		Representative Michaux,
		Representative Hackney
HB 592	Study County Public-Private Partnerships.	Representative Collins
		Representative Howard
		Representative Tolson
		Representative Carney
HJR 612	Incapacity To Proceed/LRC Study.	Representative Randleman
		Representative Hurley
HR 731	Honor Ike Andrews.	Representative Hackney
HB 759	Study Chicken House Fire Codes.	
HJR 760	LRC Study/Criminal Record Expunctions.	
HB 765	Study Length of School Year.	Representative Lewis
HR 767	Honor Susan Mecum Burgess.	Representative Cotham
		Representative Carney
		Representative Earle
		Representative Martha B. Alexander
HB 774	Study Insurance for Contract Growers.	
HB 796	Study Property Tax Valuation Process.	Representative Moffitt
HB 800	Streamlining NC Economic Dev for Job Creation.	
		Representative Murry
		Representative McComas
		Representative Moffitt
		Representative Collins
HB 825	Jt. Legis. Study on Meth Lab Prevention.	Representative Glazier

		Representative Floyd
		Representative Carney
		Representative Weiss
HB 836	Compensation Study/State Bds. and Comms.	Representative McElraft
HR 858	Honor R. Philip Hanes, Jr.	Representative Womble
		Representative Parmon
		Representative McGee
		Representative Folwell
HB 901	LRC to Study Protection of Masonboro Island.	Representative McComas
HB 925	LRC Study Metropolitan Sewerage/Water System.	Representative Moffitt

Adjourn

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 757 A BILL TO BE ENTITLED AN ACT TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS BY CONSOLIDATING THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

HB 925 A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WHETHER THE EFFICIENCY OF PROVIDING WATER AND SEWER SERVICES CAN BE IMPROVED BY REQUIRING LARGE CITIES LOCATED ENTIRELY WITHIN A METROPOLITAN SEWERAGE DISTRICT TO CONVEY THEIR WATER SYSTEM TO THAT DISTRICT WHICH CAN THEN OPERATE BOTH WATER AND SEWER.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

HB 183 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GENERAL ASSEMBLY TO STUDY ISSUES RELATED TO HOMEOWNERS ASSOCIATION FORECLOSURE OF PROPERTY WHERE THE DEBT SECURING THE ASSOCIATION ASSESSMENT LIEN CONSISTS OF UNPAID HOMEOWNERS ASSOCIATION DUES OR OTHER COSTS ASSOCIATED WITH UNPAID HOMEOWNERS ASSOCIATION DUES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

HB 281 A BILL TO BE ENTITLED AN ACT TO STUDY ELIMINATING EXTRATERRITORIAL PLANNING JURISDICTION WHEN COUNTYWIDE ZONING IS IN EFFECT AND WHEN COUNTYWIDE ZONING IS NOT IN EFFECT AND TO ALLOW RESIDENTS OF THE ETJ TO RUN FOR MUNICIPAL OFFICE AND VOTE IN ELECTIONS FOR MUNICIPAL OFFICE.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

HB 450 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE AUTOMATIC RENEWAL OF MERCHANT CREDIT CARD PROCESSING CONTRACTS.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 757
PROPOSED COMMITTEE SUBSTITUTE H757-PCS11224-TH-7

Short Title: Study Consolidation of DV Commission/CFW. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CONSOLIDATION OF THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission may study the issues involved in consolidating the North Carolina Council for Women and the Domestic Violence Commission into one commission to improve services to victims of domestic violence and sexual assault and services to displaced homemakers. If the Legislative Research Commission determines that consolidating the North Carolina Council for Women and the Domestic Violence Commission into one commission would improve services to domestic violence and sexual assault victims and to displaced homemakers, then the Legislative Research Commission may further consider the composition and duties of the new consolidated commission and the statutory changes necessary to achieve consolidation.

SECTION 2. In its study, the Legislative Research Commission may consider the matters contained in the First Edition of House Bill 757 of the 2011 Regular Session of the General Assembly, including whether to consolidate funds for domestic violence, sexual assault, and displaced homemakers and authorize the board of county commissioners in each county to use the funds to make quarterly grants to any of the following:

(1) A center for victims of domestic violence.
(2) A center for victims of sexual assault or rape crisis.
(3) A center for displaced homemakers.
(4) A center providing any combination of services as described in subdivisions (1) through (3) of this section.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 800
PROPOSED COMMITTEE SUBSTITUTE H800-PCS30373-LB-66

Short Title: Preserving the Right to Secret Ballot. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT PROPOSING AN AMENDMENT TO THE NORTH CAROLINA CONSTITUTION SO AS TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article I of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 38. Secret ballot on employee representation by a labor organization.**

The fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

A constitutional amendment providing that the fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The amendment becomes effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 333 A BILL TO BE ENTITLED AN ACT TO ADOPT STOCK CAR RACING AS THE OFFICIAL SPORT OF NORTH CAROLINA.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 389 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NEED FOR A MOTOR VEHICLE REGISTRATION, INSPECTION, AND FINANCIAL RESPONSIBILITY PROGRAM FOR MOPEDS.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 555 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.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 560 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JEANNE TUCKER FENNER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 592 A BILL TO BE ENTITLED AN ACT TO STUDY WHETHER TO AUTHORIZE COUNTIES TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS AND TO PROVIDE COMMUNICATIONS SERVICES THROUGH PUBLIC-PRIVATE PARTNERSHIPS.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HJR 612 A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CURRENT CRIMINAL AND MENTAL HEALTH LAWS AND PROCEDURES REGARDING INCAPACITY TO PROCEED TO TRIAL AND INVOLUNTARY COMMITMENT.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 628 A BILL TO BE ENTITLED AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY POLICIES AND INCENTIVES THAT CAN BE ESTABLISHED TO STIMULATE THE CREATION OF DEVELOPMENT READY SITES TO AID IN JOB RECRUITMENT AND RETENTION EFFORTS.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 731 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF IKE FRANKLIN ANDREWS, FORMER MEMBER OF CONGRESS AND THE GENERAL ASSEMBLY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 759 A BILL TO BE ENTITLED AN ACT TO CREATE THE COMMERCIAL POULTRY HOUSE FIRE CODE LEGISLATIVE STUDY COMMISSION.

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

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HJR 760 A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE OBSTACLES ENCOUNTERED IN SEEKING EMPLOYMENT BY PERSONS WHO HAVE COMMITTED RELATIVELY MINOR CRIMINAL OFFENSES, THE NEED FOR EMPLOYERS TO HAVE ACCURATE CRIMINAL INFORMATION ABOUT POTENTIAL EMPLOYEES, AND THE FEASIBILITY OF DEVELOPING AND IMPLEMENTING AN EXPUNCTION PROCEDURE THAT STRIKES THE APPROPRIATE BALANCE BETWEEN THOSE CONCERNS.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 765 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY THE CURRENT LENGTH OF THE SCHOOL YEAR IN NORTH CAROLINA AND TO DETERMINE HOW LONG THE SCHOOL YEAR SHOULD BE.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 767 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF SUSAN MECUM BURGESS.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 774 A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENTS OF AGRICULTURE AND INSURANCE TO STUDY OPTIONS FOR AGRICULTURAL CONTRACT GROWERS TO PROTECT THEMSELVES AGAINST FINANCIAL LOSSES DUE TO WEATHER, NATURAL DISASTERS, OR OTHER ACTS OF GOD.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 796 A BILL TO BE ENTITLED AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE METHODOLOGY OF VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES TO ENSURE THE PROCESS IS BOTH UNIFORM AND FAIR.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 825 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON METHAMPHETAMINE LAB PREVENTION.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 836 A BILL TO BE ENTITLED AN ACT CREATING THE STUDY COMMITTEE ON THE COMPENSATION OF STATE BOARD AND COMMISSION EMPLOYEES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 858 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF R. PHILIP HANES, JR.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 901 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE PROTECTION OF MASONBORO ISLAND IN ORDER TO ASSURE THAT THE ECOLOGICAL SYSTEMS OF THE ISLAND ARE MAINTAINED AND PRESERVED AND TO ASSURE THAT THE PUBLIC RETAINS ACCESS TO THE ISLAND.

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

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒ Committee Substitute for

HB 800 A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA JOBS AND COMMERCE CORPORATION TASK FORCE TO STUDY THE IMPLEMENTATION OF THE TRANSFERRING OF ECONOMIC DEVELOPMENT ACTIVITIES INTO A SINGLE ENTITY.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒ Committee Substitute for

HB 757 A BILL TO BE ENTITLED AN ACT TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS BY CONSOLIDATING THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

HOUSE BILL 66

Short Title:	Greene County Commissioners.	(Local)
Sponsors:	Representative LaRoque (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

February 10, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE GREENE COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 4 of Article 4 of Chapter 153A of the General Statutes is suspended until January 1, 2015.

SECTION 2. The 2012 election for the Greene County Board of Commissioners shall be conducted in the following districts:

District 1:.

SECTION 3. The Greene County Commissioners shall submit the changes required by this act to the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

SECTION 4. This act applies to Greene County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 183
Committee Substitute Favorable 5/31/11

Short Title: Study HOAs/Foreclosures. (Public)

Sponsors:

Referred to:

February 28, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE GENERAL ASSEMBLY TO STUDY ISSUES RELATED TO HOMEOWNERS ASSOCIATION FORECLOSURE OF PROPERTY WHERE THE DEBT SECURING THE ASSOCIATION ASSESSMENT LIEN CONSISTS OF UNPAID HOMEOWNERS ASSOCIATION DUES OR OTHER COSTS ASSOCIATED WITH UNPAID HOMEOWNERS ASSOCIATION DUES.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly may establish a committee to study the issue of foreclosure of property by homeowners associations for unpaid assessments liens based on unpaid homeowners association dues or related fees and charges. The committee may examine alternatives to homeowners association assessment lien foreclosure as a part of its study. The committee may also study issues related to foreclosure of property based on liens for homeowners association assessments, fees, and charges.

SECTION 2. The committee may make an interim report to the 2011 General Assembly upon its convening in 2012 and may make its final report to the 2013 General Assembly. Each report may include the findings and recommendations of the study, including any legislative proposals.

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

H 2

HOUSE BILL 281
Committee Substitute Favorable 6/2/11

Short Title: ETJ Restrictions. (Public)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO STUDY ELIMINATING EXTRATERRITORIAL PLANNING JURISDICTION WHEN COUNTYWIDE ZONING IS IN EFFECT AND WHEN COUNTYWIDE ZONING IS NOT IN EFFECT AND TO ALLOW RESIDENTS OF THE ETJ TO RUN FOR MUNICIPAL OFFICE AND VOTE IN ELECTIONS FOR MUNICIPAL OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. The House Select Committee on Extraterritorial Jurisdiction is hereby established. The Committee shall consist of eight members appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate as follows:

(1) Four members from the House of Representatives.

(2) Four members from the Senate.

The Speaker of the House of Representatives shall designate one representative as cochair. The President Pro Tempore shall designate one senator as cochair. Vacancies of the Committee shall be filled by the same appointing authority that made the initial appointment. The Committee shall meet on the call of the cochairs. A quorum of the Committee shall be a majority of its members.

SECTION 2. The Committee shall examine any issues or matters which would impact the exercise of extraterritorial jurisdiction by cities and the impact of such jurisdiction on counties, property owners, and residents. The House Select Committee may continue to study the following:

(1) Current State laws applicable to extraterritorial jurisdiction.

(2) Issues addressed by House Bill 281, 2011 Regular Session.

(3) Any other matter that is relevant to the exercise of extraterritorial jurisdiction by cities in this State.

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

SECTION 4. The Committee shall submit a final report to the 2012 Regular Session of the 2011 General Assembly and may submit interim reports as it deems necessary.

The Committee shall terminate upon filing its final report or upon the convening of the 2012 Regular Session of the 2011 General Assembly, whichever comes first.

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

H 1

HOUSE BILL 286*

Short Title:	Official Herring Festival.	(Public)
Sponsors:	Representative E. Warren (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 10, 2011

A BILL TO BE ENTITLED

AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, since 1949 the Town of Jamesville in Martin County has held an annual Herring Festival each spring; and

Whereas, the Herring Festival is a vital fundraiser for the Town of Jamesville, Jamesville Fire Department, Jamesville Rescue Department, Jamesville Ruritan Club, and many local businesses and residents; and

Whereas, the Herring Festival serves as a celebration of the heritage that was once an important way of life in the area; and

Whereas, the Herring Festival offers visitors many family-oriented activities, such as a parade, arts and crafts, rides, games, live music, and local foods and traditions; and

Whereas, each year, citizens in the area demonstrate their community pride by volunteering to make the festival a success; 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:

"**§ 145-33. State herring festival.**

The Herring Festival held in the Town of Jamesville is adopted as the official herring festival of the State of North Carolina."

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

HOUSE BILL 333*

Short Title:	Adopt Official State Sport.	(Public)
Sponsors:	Representatives Mills, Johnson, Steen, and Owens (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT STOCK CAR RACING AS THE OFFICIAL SPORT OF NORTH CAROLINA.

Whereas, stock car racing has played a significant role in the history, heritage, and culture of North Carolina; and

Whereas, stock car racing leads the way in the motorsports industry in North Carolina; and

Whereas, the motorsports industry has a six billion dollar economic impact in North Carolina annually and creates over 20,000 direct and indirect jobs; and

Whereas, North Carolina continues to grow and advance the grass roots of the sport of stock car racing with over 30 short tracks located throughout the State hosting over 700 events per year; and

Whereas, North Carolina educates and trains individuals in its University system and Community College system for jobs in stock car racing; and

Whereas, North Carolina is the home of the coveted stock car racing NASCAR Hall of Fame and the NC Auto Racing Hall of Fame; and

Whereas, North Carolina is the home of more than 90 percent of NASCAR Sprint Cup stock car race teams; and

Whereas, the Charlotte Motor Speedway hosts three stock car races annually in the NASCAR Sprint Cup series, more than any Sprint Cup events held annually in any other state, and Charlotte Motor Speedway brings more than one million visitors to North Carolina each year; and

Whereas, North Carolina is the home of "The King," Richard Petty, stock car racing legend Junior Johnson, dubbed "The Last American Hero" by writer Tom Wolfe, and seven-time champion, the late Dale Earnhardt; and

Whereas, North Carolina is the home of stock car racing and North Carolina is committed to the continued growth and popularity of the sport; and

Whereas, stock car racing should be adopted as the State's official sport; 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:

"**§ 145-33. State sport.**

Stock car racing is adopted as the official sport of North Carolina."

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

H 1

HOUSE BILL 389

Short Title:	Study Moped Registration and Liability Ins.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NEED FOR A MOTOR VEHICLE REGISTRATION, INSPECTION, AND FINANCIAL RESPONSIBILITY PROGRAM FOR MOPEDS.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Transportation Oversight Committee shall study the need for a moped registration program. If the Committee finds that requiring motor vehicle registration for mopeds is a desirable public policy, then it should recommend the method of registering mopeds, the process for identifying the mopeds to be registered, the administrative agency responsible for registering mopeds, the need for financial responsibility for operation and registration, the need for safety and emissions inspections, and any other issues that relate to the administration of the moped registration, inspection, and insurance process. The Committee shall report its findings and any recommended legislation to the 2012 Regular Session of the 2011 General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 450
Committee Substitute Favorable 6/1/11

Short Title: LRC Study Auto Renewal Credit Card Contracts. (Public)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE AUTOMATIC RENEWAL OF MERCHANT CREDIT CARD PROCESSING CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission may study automatic renewal provisions in contracts that provide credit card or other payment system processing for merchants. The Commission is authorized to review current practices in the formation of these contracts, determine whether the current practices should be amended by law, and examine any other issue the Commission deems relevant to this study.

SECTION 2. The Legislative Research Commission may make an interim report to the 2011 General Assembly, including any proposed legislation, when it reconvenes for the 2012 Regular Session and shall make its final report, including any legislative proposals, to the 2013 General Assembly.

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

HOUSE BILL 467

Short Title:	Improve School Discipline.	(Public)
Sponsors:	Representative Blust (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Education, if favorable, Judiciary Subcommittee A.	

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS RELATED TO SCHOOL DISCIPLINE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-390 reads as rewritten:

"**§ 115C-390. School personnel may use reasonable force.**

~~Except as restricted or prohibited by rules adopted by the local boards of education, principals,~~ Principals, teachers, substitute teachers, voluntary teachers, ~~and~~ teacher ~~assistants~~ assistants, and student teachers in the public schools of this State may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain ~~order.~~order and proper discipline.

No principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or student teacher shall be held civilly liable unless the trier of fact specifically finds that excessive force under the circumstances was used by the principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or student teacher.

Any plaintiff wishing to file an action against a principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or student teacher must first appeal to the local board of education in which the alleged use of excessive force took place. No action against a principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or student teacher may be filed until the board of education has made a finding whether excessive force was used.

If the plaintiff files an action against a principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or student teacher after the school board has found that no excessive force was used by the principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or student teacher, that finding by the school board shall create a rebuttable presumption in the action that reasonable force was employed by the principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or student teacher."

SECTION 2. G.S. 115C-391.1(c) reads as rewritten:

"(c) Physical Restraint:

(1) Physical restraint of students by school personnel shall be considered a reasonable use of force when used in the following circumstances:

a. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.

b. As reasonably needed to maintain order or prevent or break up a fight.

c. As reasonably needed for self-defense.

d. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.

e. As reasonably needed to escort a student safely from one area to another.

f. If used as provided for in a student's IEP or Section 504 plan or behavior intervention plan.

g. As reasonably needed to prevent imminent destruction to school or another person's property.

~~(2) Except as set forth in subdivision (1) of this subsection, physical restraint of students shall not be considered a reasonable use of force, and its use is prohibited.~~"

SECTION 3. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-42.1. Teacher Protection Act.**

(a) Legislative Findings. – The General Assembly finds that ensuring the quality of primary and secondary public education is a compelling State interest. The educational environment of students is often not conducive to learning. Violence is sometimes a threat, while at other times educators may lack the authority to maintain safety and discipline in the public schools. The filing of meritless lawsuits against local school administrative units, teachers and administrators, and other school employees interferes with attempts to ensure the quality of public education, particularly where such lawsuits arise out of the good-faith efforts of educators to maintain classroom discipline or address threats to student safety. Meritless litigation also diverts financial and personnel resources to litigation defense activities and reduces the availability of such resources for educational opportunities for students. The General Assembly finds that legislation to deter meritless lawsuits and sanction deliberately false reports against educators is a rational and appropriate method to address this compelling public interest.

(b) Definitions. – As used in this section:

(1) 'Educational entity' means the State Board of Education or a local board of education.

(2) 'Employee' means any individual elected or appointed to an educational entity and any individual who is an employee of such an entity. This term does not include independent contractors.

(c) Liability. –

(1) An educational entity or its employees shall not be subject to liability for any of the following:

a. Taking any action regarding the control, grading, suspension, expulsion, or discipline of students while such students are on the property of the educational entity or its employees.

b. The immunity provided by this subdivision shall not apply if the action of the educational entity or its employee violated an express law, rule, regulation, or clearly articulated policy of the State or educational entity. The burden of proof of such violation shall rest with the plaintiff and must be established by clear and convincing evidence to the court as part of a summary proceeding.

(2) An educational entity and its employees shall not be subject to liability for making a report consistent with federal law to the appropriate law enforcement authorities or school officials if the individual making the report has reasonable grounds to suspect that a student is any of the following:

a. Under the influence of alcoholic beverages or a controlled substance not lawfully prescribed to that individual.
b. In possession of a firearm, alcoholic beverages, or a controlled substance not lawfully prescribed to that individual.
c. Involved in the illegal sale or distribution of firearms, alcoholic beverages, or a controlled substance.

(d) False Reports. –

(1) Except as otherwise provided in this subsection, any person 18 years of age or older who acts with specific intent in making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities, local school administrative unit officials or personnel, or both, shall be fined up to two thousand dollars ($2,000).

(2) Except as otherwise provided in this subsection, any public school student between the ages of 7 and 17 who acts with specific intent in making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities, local school administrative unit officials or personnel, or both, may, at the discretion of the court, be subject to any of the following:
a. Expulsion.
b. Suspension for a period of time to be determined by the court.
c. Community service of a type and for a period of time to be determined by the court.
d. Any other sanction as the court in its discretion may deem appropriate.

(3) The provisions of this subsection do not apply to statements regarding individuals elected or appointed to a school board.

(4) This subsection is in addition to and does not limit the civil or criminal liability of those persons who make false statements alleging criminal activity by others.

(e) Insurance. – Unless otherwise provided by statute, the existence of any policy of insurance indemnifying an educational entity against liability for damages is not a waiver of any defense otherwise available to the educational entity or its employees in the defense of the claim.

(f) Applicability. – This section shall be supplemental to the State Tort Claims Act."

SECTION 4. Section 1 of this act becomes effective December 1, 2011, and applies to actions filed on or after that date. The remainder of this act is effective when it becomes law.

H 2

HOUSE BILL 555
Corrected Copy 4/4/11

Short Title:	2011 Speaker's Appointments Bill.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House (Primary Sponsor) For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 31, 2011

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. Unless otherwise specified, appointments are for terms to begin July 1, 2011.

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

HOUSE RESOLUTION 560

Sponsors:	Representatives Farmer-Butterfield, Tolson, Michaux, and Hackney (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

March 31, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JEANNE TUCKER FENNER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Jeanne Tucker Fenner was born on September 3, 1933, in Washington, DC, to Herbert A. Tucker and Geraldine Struble Tucker; and

Whereas, Jeanne Tucker Fenner attended Atlantic Christian College; and

Whereas, Jeanne Tucker Fenner took an active role in many organizations, serving as President of the North Carolina Association for Retarded Citizens, Chair of the North Carolina Guardianship Council, a charter member of the Wilson Arc, and as a member of the Advisory Committee for Youthful Offenders Project in Wilson County, the Wilson Civitan Club, the Board of Directors of St. John A.M.E. Day Care Center, and the North Carolina Task Force on Disability Review; and

Whereas, after being appointed to fill a vacancy in the North Carolina House of Representatives in 1980, Jeanne Tucker Fenner was elected to two additional terms in 1981 and 1983, and served with honor and distinction and represented the people of Wilson, Nash, and Edgecombe Counties; and

Whereas, during her tenure in the General Assembly, Jeanne Tucker Fenner was chair of the Commissions and Schools for the Blind and Deaf, vice-chair of Governmental Ethics and Mental Health, and a member of several other committees, including Appropriations, Education, Health, Judiciary, and State Government; and

Whereas, Jeanne Tucker Fenner was a member of the First Presbyterian Church in Wilson, where she served as a Sunday school teacher and circle Bible moderator; and

Whereas, Jeanne Tucker Fenner was honored as Layman of the Year in 1976 by the North Carolina Association for Retarded Citizens and Legislator of the Year in 1981 by the North Carolina Mental Health Centers Association; received the Service to Mankind Award in 1978 from the Wilson Sertoma Club; received both the Dybward International Award in 1979 and the National Member of the Year Award in 1980 from the National Association for Retarded Citizens; and received the Distinguished Service Award in 1983 from the Association of Directors of Developmental Disability Centers; and

Whereas, Jeanne Tucker Fenner died on December 23, 2010, at the age of 77; and

Whereas, Jeanne Tucker Fenner is survived by her husband, William Fenner, Sr.; her children, William, Edwin, Thomas, Elizabeth, and Ashley; her twin sister, Dawn Matthews; three other sisters; four brothers; and eight grandchildren; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Jeanne Tucker Fenner and expresses the appreciation of this body for the service she rendered to the State and her community.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of Jeanne Tucker Fenner for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Jeanne Tucker Fenner.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 592

Short Title:	Study County Public-Private Partnerships.	(Public)
Sponsors:	Representatives Collins, Howard, Tolson, and Carney (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Public Utilities, if favorable, Finance.	

April 5, 2011

A BILL TO BE ENTITLED

AN ACT TO STUDY WHETHER TO AUTHORIZE COUNTIES TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS AND TO PROVIDE COMMUNICATIONS SERVICES THROUGH PUBLIC-PRIVATE PARTNERSHIPS.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission shall study whether to allow counties to have general authority to enter into public-private partnerships and whether to allow counties to provide through a public-private partnership a wired or wireless network for the provision of communications services. The Commission shall report its recommendations to the 2011 Regular Session of the General Assembly prior to its reconvening in 2012.

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

HOUSE JOINT RESOLUTION 612

Sponsors:	Representatives Randleman and Hurley (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

April 5, 2011

A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CURRENT CRIMINAL AND MENTAL HEALTH LAWS AND PROCEDURES REGARDING INCAPACITY TO PROCEED TO TRIAL AND INVOLUNTARY COMMITMENT.

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

SECTION 1. The Legislative Research Commission may study the adequacy of the involuntary commitment process for a criminal defendant who lacks the capacity to proceed to trial. In its study, the Commission may consider the impact of current law on the limited resources of local law enforcement, hospitals, mental health facilities, and the State's court system while balancing the rights of the accused, victims, and the safety and the general welfare of the public. The Commission may also consider options for determining whether a defendant is likely to attain the capacity to proceed to trial in the foreseeable future and at what point in the process that determination should be made. The Commission shall evaluate the statutory option of taking dismissals in these types of cases for defendants who are charged with nonviolent crimes and for defendants who are charged with violent crimes, how often that option is used, and at what point and under what circumstances that option should be used. In addition, the Commission may consider all of the following: issues related to transportation, including the frequency, distance, and cost associated with the required psychiatric evaluations; duration of involuntary commitment for defendants found incapable of proceeding to trial pursuant to Article 56 of Chapter 15A of the General Statutes and involuntarily committed pursuant to Part 7 of Article 5 of Chapter 122C of the General Statutes; and any other issues the Commission considers relevant to this topic.

SECTION 2. The Legislative Research Commission may make an interim report to the 2011 General Assembly when it reconvenes in 2012 and shall make its final report to the 2013 General Assembly.

SECTION 3. This resolution is effective upon ratification.

HOUSE RESOLUTION 731

Sponsors:	Representative Hackney (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

April 7, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF IKE FRANKLIN ANDREWS, FORMER MEMBER OF CONGRESS AND THE GENERAL ASSEMBLY.

Whereas, Ike Franklin Andrews was born in Chatham County, North Carolina, on September 2, 1925, to Archie Andrews and Ina Dunlap Andrews; and

Whereas, Ike Franklin Andrews grew up in the small community known as Bonlee, where his father ran the hardware store and served as postmaster and his mother was a school teacher; and

Whereas, Ike Franklin Andrews attended Bonlee High School, Fork Union Military Academy in Fork Union, Virginia, from 1941 to 1942, and Mars Hill College from 1942 to 1943; and

Whereas, Ike Franklin Andrews enlisted in the United States Army at the age of 18 and served in the European Theater during World War II as a Field Artillery Forward Observer from 1943 to 1945, attaining the rank of Master Sergeant; and

Whereas, Ike Franklin Andrews was wounded during the Battle of the Bulge and, upon hearing that the war had ended, left his hospital bed and made his way to London, where he stood in front of No. 10 Downing Street to witness Prime Minister Winston Churchill announcing Germany's surrender; and

Whereas, Ike Franklin Andrews was awarded the Bronze Star and the Purple Heart; and

Whereas, Ike Franklin Andrews married JoAnne Johnson of Siler City on September 13, 1947, and to their union were born two daughters, Alice Cecelia and Nina Patricia; and

Whereas, after serving in the army, Ike Franklin Andrews enrolled at the University of North Carolina at Chapel Hill, earning a BS degree in 1950 and a law degree in 1952; and

Whereas, during his college years, Ike Franklin Andrews supported his family by selling eggs that he bought from Bonlee area farmers to customers in Chapel Hill and Carrboro; and

Whereas, Ike Franklin Andrews had a successful law practice that began in Pittsboro and later moved to Siler City; and

Whereas, Ike Franklin Andrews served his profession as a member of the North Carolina State Bar, North Carolina Bar Association, American Bar Association, District Board Association Executive Committee, North Carolina Bar Association Standing Committee on Legislation and Law Reform, and the North Carolina Judicial Council from 1959 to 1961; and

Whereas, Ike Franklin Andrews showed an outstanding devotion to public service, serving as the Solicitor for Chatham, Orange, and Alamance Counties from 1961 to 1962; and

Whereas, Ike Franklin Andrews served with honor and distinction in the General Assembly, serving one term in the State Senate from 1959 to 1960 and four terms in the North Carolina House of Representatives from 1961 to 1963 and 1967 to 1972; and

Whereas, Ike Franklin Andrews served as vice-chair of the Senate Committees on Agriculture and Education and as a member of the Senate Committees on Appropriations, Public Roads, Rules, Retirement and Employment Security, and University Trustees, and served as chair of the House Committees on Constitutional Amendments and Rules and Operations of the House, vice-chair of the House Committees on Conservation and Development, State Government, and University Trustees, and as a member of the House Committees on Banks and Banking; Congressional Districts; Counties, Cites, and Towns; Higher Education; Insurance; Judiciary; Justices of the Peace; Mental Health; and Wildlife Resources; and

Whereas, Ike Franklin Andrews was Chair of the House Committee on Constitutional Amendments during the 1969 Session of the General Assembly when the committee debated bills proposing a revision of and amendments to the State's constitution; a revised constitution and five amendments were adopted by a vote of the people during the general election held November 3, 1970; and

Whereas, while in the General Assembly, Ike Franklin Andrews was a staunch supporter of the interest of the University of North Carolina at Chapel Hill during the reorganization of higher education and played a significant role in crafting the legislation establishing The University of North Carolina; and

Whereas, in 1972, Ike Franklin Andrews was elected to the United States Congress and went on to serve six terms until 1985; and

Whereas, as a member of Congress, Ike Franklin Andrews served on the House Education and Labor Committee and was Chair of its Subcommittee on Human Resources and took a special interest in issues relating to aging and long-term care; and was Chair of its Subcommittee on Human Resources.

Whereas, Ike Franklin Andrews found time to be active in his community, serving on the Board of Directors of the Siler City Chamber of Commerce, Board of Trustees and Executive Committee of the Chatham Hospital, Executive Committee of the Occoneechee Council of the Boy Scouts of America, and a member of the Chatham County Civil Defense; and

Whereas, Ike Franklin Andrews was a member of the First Baptist Church of Siler City, where he served as chair of the Board of Deacons; and

Whereas, Ike Franklin Andrews died on May 10, 2010, at the age of 84; and

Whereas, Ike Franklin Andrews is survived by his wife, JoAnne Andrews; a daughter, Alice Andrews Joyce; and two grandchildren, Kevin Joyce and Laura Joyce; and

Whereas, Ike Franklin Andrews will be remembered for his devotion to his family, his patriotism to his country, his commitment to public service, and his admiration and respect for his fellow man; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Ike Franklin Andrews and expresses the appreciation of this State and its citizens for the outstanding service he rendered his community, his State, and the nation.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of Ike Franklin Andrews for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Ike Franklin Andrews.

SECTION 4. This resolution is effective upon adoption.

HOUSE BILL 759

Short Title:	Study Chicken House Fire Codes.	(Public)
Sponsors:	Representatives Committee on Rules, Calendar, and Operations of the House (Primary Sponsor) For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE THE COMMERCIAL POULTRY HOUSE FIRE CODE LEGISLATIVE STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Commission Created. – There is created the Commercial Poultry House Fire Code Legislative Study Commission ("Commission"). The Commission shall consist of 12 voting members appointed as follows:

(1) Four members appointed by the Governor, to include:
  a. One person who is a farmer engaged in the production of chickens.
  b. One person who is a representative of the State Building Codes Council.
  c. Two members of the general public.

(2) Four members appointed by the President Pro Tempore of the Senate, to include:
  a. Three members of the Senate.
  b. One member of the general public.

(3) Four members appointed by the Speaker of the House of Representatives, to include:
  a. Three members of the House of Representatives.
  b. One member of the general public.

SECTION 2.(a) Purposes. – The Commission shall do the following:

(1) Study the applicability, feasibility, and cost-effectiveness of current requirements for fire ratings, inspections, and fire flow under both the North Carolina Fire Code and under guidelines of the Insurance Services Office. For purposes of this section "North Carolina Fire Code" means the 2006 International Fire Code with 2009 North Carolina Amendments adopted by the State Building Code Council.

(2) Study any other matters that the Commission deems relevant.

(3) Make an interim report to the General Assembly by the convening of the 2012 Regular Session of the 2011 General Assembly.

(4) Make a final report to the 2013 General Assembly that includes findings, recommendations, and legislative proposals relating to fire codes for commercial poultry houses.

SECTION 2.(b) Termination. – The Commission shall terminate upon filing its final report.

SECTION 2.(c) Committee Operations. – The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint a cochair for the Commission. The Commission may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives and the Senate Directors of Legislative Assistants. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. Members of the Commission shall receive per diem, subsistence, and travel allowances at the rate established in G.S. 120-3.1. The appointing authority shall fill vacancies. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses.

SECTION 3. Appropriation. – There is appropriated from the General Fund to the General Assembly the sum of twenty-five thousand dollars ($25,000) for the 2011-2012 fiscal year and the sum of twenty-five thousand dollars ($25,000) for the 2012-2013 fiscal year to fund the work of the Commercial Poultry House Fire Code Legislative Study Commission created by this act.

SECTION 4. Effective Date. – This act becomes effective July 1, 2011.

HOUSE BILL 757

Short Title:	Consolidate DV Commission/Council for Women.	(Public)
Sponsors:	Representative Cook (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Appropriations.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS BY CONSOLIDATING THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1-630(6) reads as rewritten:

"**§ 1-630. Definitions.**

As used in this Article, the following terms mean:

...

(6) Shelter. – A facility that meets the criteria set forth in ~~G.S. 50B-9~~G.S. 143B-394.32(b) and is funded through the Domestic ~~Violence Center~~Violence, Sexual Assault, and Displaced Homemakers Fund providing shelter to victims of domestic violence, nonconsensual sexual conduct, or stalking.

...."

SECTION 2. G.S. 7A-305(a2) reads as rewritten:

"(a2) In every action for absolute divorce filed in the district court, a cost of seventy-five dollars ($75.00) shall be assessed against the person filing the divorce action. Costs collected by the clerk pursuant to this subsection shall be remitted to the State Treasurer, who shall deposit ~~fifty-five dollars ($55.00) to the North Carolina Fund for Displaced Homemakers established under G.S. 143B-394.10 and twenty dollars ($20.00) to the Domestic Violence Center Fund established under G.S. 50B-9.~~seventy-five dollars ($75.00) to the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund established under G.S. 143B-394.32. Costs assessed under this subsection shall be in addition to any other costs assessed under this section."

SECTION 3. G.S. 7B-1402(b)(18a) reads as rewritten:

"(b) The Task Force shall be composed of 35 members, 11 of whom shall be ex officio members, four of whom shall be appointed by the Governor, 10 of whom shall be appointed by the Speaker of the House of Representatives, and 10 of whom shall be appointed by the President Pro Tempore of the Senate. The ex officio members other than the Chief Medical Examiner shall be nonvoting members and may designate representatives from their particular departments, divisions, or offices to represent them on the Task Force. The members shall be as follows:

...

(18a) A representative from the ~~North Carolina Domestic Violence Commission,~~ Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers, appointed by the Speaker of the House of Representatives upon recommendation of the ~~Director~~ chair of the Commission;

...."

SECTION 4. G.S. 15A-1343(b)(12) reads as rewritten:

"(b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

(12) Attend and complete an abuser treatment program if (i) the court finds the defendant is responsible for acts of domestic violence and (ii) there is a program, approved by the ~~Domestic Violence Commission,~~Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers, reasonably available to the defendant, unless the court finds that such would not be in the best interests of justice.

...."

SECTION 5. G.S. 42-45.1(a) reads as rewritten:

"(a) Any protected tenant may terminate his or her rental agreement for a dwelling unit by providing the landlord with a written notice of termination to be effective on a date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord shall be accompanied by either: (i) a copy of a valid order of protection issued by a court pursuant to Chapter 50B or 50C of the General Statutes, other than an ex parte order, (ii) a criminal order that restrains a person from contact with a protected tenant, or (iii) a valid Address Confidentiality Program card issued pursuant to G.S. 15C-4 to the victim or a minor member of the tenant's household. A victim of domestic violence or sexual assault must submit a copy of a safety plan with the notice to terminate. The safety plan, dated during the term of the tenancy to be terminated, must be provided by a domestic violence or sexual assault program which substantially complies with the requirements set forth in ~~G.S. 50B-9~~G.S. 143B-394.32(b) and must recommend relocation of the protected tenant."

SECTION 6. G.S. 50B-3(a)(12) reads as rewritten:

"(a) If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an act of domestic violence has occurred, the court shall grant a protective order restraining the defendant from further acts of domestic violence. A protective order may include any of the following types of relief:

...

(12) Order any party the court finds is responsible for acts of domestic violence to attend and complete an abuser treatment program if the program is approved by the ~~Domestic Violence Commission.~~Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers.

...."

SECTION 7. G.S. 50B-9 is repealed.

SECTION 8. G.S. 114-2.7 reads as rewritten:

"**§ 114-2.7. Reporting system and database on certain domestic-violence-related homicides; reports by law enforcement agencies required; annual report to the General Assembly.**

The Attorney General's Office, in consultation with the ~~North Carolina Council for Women/Domestic Violence Commission,~~Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers, the North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police, shall develop a reporting system and database that reflects the number of homicides in the State where the offender and the victim had a personal relationship, as defined by G.S. 50B-1(b). The information in the database shall also include the type of personal relationship that existed between the offender and the victim, whether the victim had

obtained an order pursuant to G.S. 50B-3, and whether there was a pending charge for which the offender was on pretrial release pursuant to G.S. 15A-534.1. All State and local law enforcement agencies shall report information to the Attorney General's Office upon making a determination that a homicide meets the reporting system's criteria. The report shall be made in the format adopted by the Attorney General's Office. The Attorney General's Office shall report to the Joint Legislative Committee on Domestic Violence, no later than February 1 of each year, with the data collected for the previous calendar year."

SECTION 9. G.S. 120-123(31) reads as rewritten:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

~~(31) The North Carolina Council for Women, as established by G.S. 143B-393.~~

...."

SECTION 10. G.S. 120-266(a)(1) reads as rewritten:

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

(1) Study the budget, programs, and policies of the ~~Domestic Violence~~ Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers to determine ways in which the General Assembly may improve the effectiveness of the Commission;

...."

SECTION 11. G.S. 143B-262(e) reads as rewritten:

"(e) The Department, in consultation with the ~~Domestic Violence Commission,~~Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers, and in accordance with established best practices, shall establish a domestic violence treatment program for offenders sentenced to a term of imprisonment in the custody of the Department and whose official record includes a finding by the court that the offender committed acts of domestic violence.

The Department shall ensure that inmates, whose record includes a finding by the court that the offender committed acts of domestic violence, complete a domestic violence treatment program prior to the completion of the period of incarceration, unless other requirements, deemed critical by the Department, prevent program completion. In the event an inmate does not complete the program during the period of incarceration, the Department shall document, in the inmate's official record, specific reasons why that particular inmate did not or was not able to complete the program."

SECTION 12. Parts 10, 10A, 10C, and 10D of Article 9 of Chapter 143B of the General Statutes are repealed.

SECTION 13. G.S. 143B-394.4 reads as rewritten:

"**§ 143B-394.4. Definitions.**

As used in this Part, unless the context otherwise requires:

...

(2) ~~"Council" means the North Carolina Council for Women.~~'Commission' means the Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers.

...."

SECTION 14. G.S. 143B-394.10 is repealed.

SECTION 15. Article 9 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 10E. The Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers.

"**§ 143B-394.30. Commission created; purpose; membership; transaction of business.**

(a) Creation. – There is hereby created the Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers (Commission). The Commission shall be located within the Department of Administration for organizational, budgetary, and administrative purposes.

(b) Purpose. – The purpose of the Commission is to (i) assess statewide needs related to domestic violence, sexual assault and rape crisis, and displaced homemakers, (ii) assure that necessary services, policies, and programs are provided to those in need, (iii) strengthen the existing domestic violence, sexual assault and rape crisis, and displaced homemaker programs established and funded through the Domestic Violence, Sexual Assault, Displaced Homemakers Fund under G.S. 143B-394.32, and (iv) recommend new programs.

(c) Membership. – The Commission shall consist of 12 members, who reflect the geographic and cultural regions of the State, as follows:

(1) Four persons appointed by the Governor, one of whom is a clerk of superior court; one of whom is a member of the medical community; one of whom is a former victim of domestic violence or sexual assault or a former displaced homemaker; and one of whom is a member of the public at large.

(2) Four persons appointed by the General Assembly, upon recommendation of the President Pro Tempore of the Senate, one of whom is a member of the Senate; one of whom is a district attorney or assistant district attorney; one of whom is a member of the business community; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence and sexual assault issues.

(3) Four persons appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives, one of whom is a member of the House of Representatives; one of whom is a county manager; one of whom is a district court judge; and one of whom is a member of the North Carolina Bar Association who has studied domestic violence issues.

No officer, board member, or employee of any recipient of funds directly or indirectly from the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund shall serve on the Commission.

(d) Guests of Commission. – The Commission, the chair of the Commission, or the executive director may, for whatever purpose deemed appropriate, invite the participation of any or all of the following to participate in any meeting of the Commission, provided the participants shall have no vote in matters before the Commission and shall not be considered members of the Commission for purposes of establishing a quorum or be reimbursed for travel expenses from the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund:

(1) The Governor.
(2) The Lieutenant Governor.
(3) The Attorney General.
(4) The Secretary of the Department of Administration.
(5) The Secretary of the Department of Crime Control and Public Safety.
(6) The Superintendent of Public Instruction.
(7) The Secretary of the Department of Correction.
(8) The Secretary of the Department of Health and Human Services.
(9) The Director of the Office of State Personnel.
(10) The Dean of the School of Government at the University of North Carolina at Chapel Hill.

(11) The Chairman of the Governor's Crime Commission.

(e) Terms. – Members shall serve for two-year staggered terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The Governor shall initially appoint two members for terms of two years and two members for terms of three years.

(2) The President Pro Tempore of the Senate shall initially appoint two members for terms of two years and two members for terms of three years.

(3) The Speaker of the House of Representatives shall initially appoint two members for terms of two years and two members for terms of three years.

Initial terms shall commence on September 1, 2011.

(f) Chair. – The chair shall be appointed biennially by the Governor from among the membership of the Commission. The initial term shall commence on September 1, 2011.

(g) Vacancies. – A vacancy on the Commission or as chair of the Commission resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term.

(h) Compensation. – The Commission members shall receive no salary as a result of serving on the Commission but shall receive per diem, subsistence, and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable. When approved by the Commission, members may be reimbursed for subsistence and travel expenses in excess of the statutory amount.

(i) Removal. – Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Article.

(j) Meetings. – The chair shall convene the Commission. Meetings shall be held as often as necessary, but not less than four times a year.

(k) Quorum. – A majority of the members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Commission shall be necessary for action to be taken by the Commission.

(l) Office Space. – The Department of Administration shall provide office space in Raleigh for use as offices by the Commission, and the Department of Administration shall receive no reimbursement from the Commission for the use of the property during the life of the Commission.

(m) Staffing. – The Secretary of the Department of Administration shall be responsible for staffing the Commission.

(n) Open Meetings and Public Records. – Any recipient of a grant or contract through a county board of commissioners from the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund under G.S. 143B-394.32 shall be subject to the Open Meetings laws under Chapter 143 of the General Statutes and the Public Records laws under Chapter 132 of the General Statutes. However, any confidential information that identifies a particular client shall not be made public, except as otherwise provided by law.

"**§ 143B-394.31. Powers and duties of the Commission; reports.**

(a) Powers and Duties. – The Commission shall have the following powers and duties:

(1) To adopt any rules necessary to carry out the provisions of this Part.

(2) To advise the Governor, the principal State departments, and the State legislature concerning the education and employment of women in the State of North Carolina.

(3) To advise the Secretary of Administration upon any matter under the Commission's purview the Secretary may refer to it.

(4) To develop and implement a standardized screening, diagnosis, and intake assessment process and a standardized online data-based reporting system to provide for an annual statewide assessment of patterns, trends, variances, deficiencies, needs, and best practices as related to provision of services for

victims of domestic violence or sexual assault and for displaced homemakers.

(5) Domestic violence. – As related to domestic violence, the Commission shall have the following additional powers and duties:

a. To promote adequate funding to promote victim safety and accountability of perpetrators.

b. To develop and recommend domestic violence training initiatives for law enforcement and judicial personnel and for all persons who provide treatment and services to domestic violence victims.

c. To develop training initiatives for and make recommendations and provide information and advice to State agencies in the areas of child protection, education, employer/employee relations, criminal justice, and subsidized housing.

d. To provide information and advice to any private entities that request assistance in providing services and support to domestic violence victims.

e. To design, coordinate, and oversee a statewide public awareness campaign.

f. To design and coordinate improved data collection efforts for domestic violence crimes and acts in the State.

g. To research, develop, and recommend proposals of how best to meet the needs of domestic violence victims and to prevent domestic violence in the State.

h. To adopt rules in accordance with Article 2A of Chapter 150B of the General Statutes for the approval of abuser treatment programs as provided in G.S. 50B-3(a)(12). The Commission shall adopt rules to establish a consistent level of performance from providers of abuser treatment programs and to ensure that approved programs enhance the safety of victims and hold those who perpetrate acts of domestic violence responsible.

(6) Sexual assault. – As related to sexual assault, the Commission shall have the following additional powers and duties:

a. To facilitate and coordinate all programs and services which deal with victims of sexual assault.

b. To research the needs of the State and already existing programs for sexual assault services.

c. To create a liaison between public services and private services with which victims of sexual assault normally come in contact.

d. To be an information clearinghouse on all aspects of sexual assault services.

e. To develop model programs and training techniques to be used to train medical, legal, and psychological personnel (both in the public and private sectors) who deal with the victims of sexual assault, and to aid in implementing these programs to suit the needs of specific communities.

f. To be available to aid and advise sexual assault services on operational and functional problems.

g. To develop and coordinate a public education program for the State on the phenomenon of sexual assault.

(7) Displaced homemakers. – As related to displaced homemakers, the Commission shall facilitate and coordinate programs for the assistance of displaced homemakers as set forth in Part 10B of this Article.

(b) Report. – The Commission shall report its findings and recommendations, including any legislative or administrative proposals, to the General Assembly no later than April 1 each year.

"**§ 143B-394.32. Domestic Violence, Sexual Assault, and Displaced Homemakers Fund.**

(a) The Domestic Violence, Sexual Assault, and Displaced Homemakers Fund (Fund) is established within the State treasury. The Department of Administration, Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers, shall oversee the distribution of the shares from the Fund to the counties as provided in this section. The Department shall allocate funds from the Fund to each county. Upon proper application to the board of county commissioners in that county, the board of county commissioners shall use these funds to make quarterly grants to any of the following:

(1) A center for victims of domestic violence.
(2) A center for victims of sexual assault or rape crisis.
(3) A center for displaced homemakers.
(4) A center providing any combination of services as described in subdivisions (1) through (3) of this subsection.

A recipient of grant funds from a local county board of commissioners may subcontract with the North Carolina Coalition Against Domestic Violence, Inc., the North Carolina Coalition Against Sexual Assault, Inc., or any other State agency, including the North Carolina Community College System or The University of North Carolina system to provide research, training, and evaluation of services to grant recipients. Notwithstanding any other provision of law, no contractor receiving a grant from the Fund or contract pursuant to the Fund may use any funds to pay directly or indirectly for lobbying services directed at any executive department or legislative entity.

(b) To be eligible to receive funds under this section, an applicant shall meet the following requirements:

(1) It shall offer, at a minimum, the following services:
  a. A crisis hotline operated 24 hours a day, seven days a week, 365 days each year.
  b. Transportation services.
  c. Counseling services to (i) assist in the prevention and mitigation of domestic violence or sexual assault and (ii) facilitate employment, education, and permanent housing for victims of domestic violence or sexual assault.
  d. Community awareness and education programs.
  e. A shelter to provide temporary 'safe house' services.
  f. Daytime services.
  g. Call forwarding during the night.
  h. Emergency room services or temporary medical assistance for victims of domestic violence or sexual assault, including counseling and trauma support for victims.
  i. Services for displaced homemakers in accordance with G.S. 143B-394.8.
  j. Court advocacy services.
  k. Any other criteria established by the Department of Administration.
(2) It shall be a county board of commissioners. The county board of commissioners may contract with one or more nonprofits or with other local government entities or may choose to deliver the services by a department of

the county. A county may join with one or more other counties to provide services to a multi-county area or a board of county commissioners may contract with one or more contractors to provide services with that county so long as services are equally available to all persons in the county.

An applicant that meets all the requirements of this subsection shall be eligible for a grant under this section. When grants are awarded under this section, each grant recipient shall receive an equal share of the grant funds. This Fund shall be administered in accordance with the provisions of the Executive Budget Act.

(c) In accordance with the 2010 census, the number of centers that are eligible for a share of the Fund shall be limited as follows:

(1) In counties with less than a population of 400,000, no more than one center shall be eligible for an equal share of the Fund.

(2) In counties with populations of between 400,000 to 800,000, no more than two centers shall be eligible, and each shall receive an equal share of the Fund.

(3) In counties with a population of more than 800,000, no more than three centers shall be eligible, and each shall receive an equal share of the Fund."

SECTION 16. G.S. 161-11.2 reads as rewritten:

"**§ 161-11.2. Fees for domestic violence centers.**

Thirty dollars ($30.00) of each fee collected by a register of deeds for issuance of a marriage license pursuant to G.S. 161-10(a)(2) shall be forwarded by the register of deeds to the county finance officer, who shall forward the funds to the Department of Administration to be credited to the ~~Domestic Violence Center Fund established under G.S. 50B-9.~~Domestic Violence, Sexual Assault, and Displaced Homemakers Fund established under G.S. 143B-394.32. The register of deeds shall forward the fees to the county finance officer as soon as practical. The county finance officer shall forward the fees to the Department of Administration within 60 days after receiving the fees. The Register of Deeds shall inform the applicants that thirty dollars ($30.00) of the fee for a marriage license shall be used for Domestic Violence programs."

SECTION 17. The Revisor of Statutes shall change the word "Council" to the word "Commission" wherever it appears in Part 10B of Article 9 of Chapter 143B of the General Statutes.

SECTION 18.(a) All unencumbered funds in the Domestic Violence Center Fund shall be transferred to the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund established under G.S. 143B-394.32, as enacted by Section 15 of this act.

SECTION 18.(b) All unencumbered funds in the Sexual Assault and Rape Crisis Center Fund shall be transferred to the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund established under G.S. 143B-394.32, as enacted by Section 15 of this act.

SECTION 18.(c) All unencumbered funds in the North Carolina Fund for Displaced Homemakers shall be transferred to the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund established under G.S. 143B-394.32, as enacted by Section 15 of this act.

SECTION 19. The terms of the members currently serving on the North Carolina Council for Women and the Domestic Violence Commission shall expire on the effective date of this act. The initial members appointed to serve on the Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers in accordance with G.S. 143B-394.30, as enacted by Section 15 of this act, shall serve for the terms for which they were appointed and until their successors are appointed and qualified.

SECTION 20. This act is effective when it becomes law.

HOUSE JOINT RESOLUTION 760
Corrected Copy 4/11/11

Sponsors:	Committee on Rules, Calendar, and Operations of the House (Primary Sponsor) For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

April 7, 2011

A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE OBSTACLES ENCOUNTERED IN SEEKING EMPLOYMENT BY PERSONS WHO HAVE COMMITTED RELATIVELY MINOR CRIMINAL OFFENSES, THE NEED FOR EMPLOYERS TO HAVE ACCURATE CRIMINAL INFORMATION ABOUT POTENTIAL EMPLOYEES, AND THE FEASIBILITY OF DEVELOPING AND IMPLEMENTING AN EXPUNCTION PROCEDURE THAT STRIKES THE APPROPRIATE BALANCE BETWEEN THOSE CONCERNS.

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

SECTION 1. The Legislative Research Commission may study whether current law strikes an appropriate balance between an employer's need for access to accurate criminal history information about potential employees and the need for a person who committed a relatively minor offense in the distant past to obtain employment in spite of the person's criminal history. If the Legislative Research Commission finds that it may be possible to achieve a better balance between these interests, then the Legislative Research Commission may further consider what type of expunction procedure may be developed and implemented that addresses the interests and concerns of employers, but also affords some appropriate relief to persons with a relatively minor past criminal conviction. In its study, the Commission may consider all of the following:

(1) The effect of a person's criminal record with regard to a person's ability to obtain employment.

(2) The reasons that an employer may need to know about a potential employee's criminal record.

(3) What types of criminal records may or may not be relevant with regard to certain types of employment.

(4) What criminal offenses, if any, it may be reasonable to allow to be expunged from a person's record, the time period or other criteria that should be used to determine whether it is appropriate to allow the expunction, and whether the offense should be completely erased from the criminal record so that the person has no criminal record, or retained but limit the accessibility of the record only for certain purposes.

(5) Any other issues the Commission considers relevant to this topic.

SECTION 2. The Legislative Research Commission may make an interim report to the 2011 General Assembly when it reconvenes in 2012 and shall make its final report to the 2013 General Assembly.

SECTION 3. This resolution is effective upon ratification.

HOUSE BILL 765

Short Title:	Study Length of School Year.	(Public)
Sponsors:	Representative Lewis (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY THE CURRENT LENGTH OF THE SCHOOL YEAR IN NORTH CAROLINA AND TO DETERMINE HOW LONG THE SCHOOL YEAR SHOULD BE.

Whereas, the Constitution of North Carolina reads as follows: "The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right"; and

Whereas, the length of the school year in North Carolina, like the rest of the United States, is currently a minimum of 180 teaching days, or 1000 hours, and funds for public education in the State are based on the length of the school term; and

Whereas, North Carolina law does not prohibit school districts from providing more than 180 days of instruction time; and

Whereas, the seminal education report "A Nation at Risk" noted in 1984 that the 180-day school calendar had become outdated and could not sufficiently supply the kind of instructional time that American students needed in a world of increasing complexity; and

Whereas, 180 instructional days consistently puts the United States at or near the bottom of other industrialized nations, according to rankings of instructional time done by the Organization for Economic Cooperation and Development (OECD); and

Whereas, Trends in International Mathematics and Science Study (TIMSS) studies show that the average time spent in the classroom by students in participating nations is 193, translating into a 156-day instructional day gap for American students over a 12-year academic career, or nearly one full school year.

Whereas, North Carolina's graduation rate ranks in the bottom third of all states; and

Whereas, some experts contend that the current school year does not afford ample time to equip young North Carolinians with the knowledge and skills necessary to compete in an increasingly competitive and global workplace; and

Whereas, studies document that approximately two-thirds of the grade 9 achievement gap between lower and higher income youth can be explained by unequal access to summer learning opportunities during the elementary school years; and

Whereas, studies have documented that most students lose about two months of grade level equivalency in mathematical computation skills over the summer break; and

Whereas, low-income students also lose more than two months in reading achievement, despite the fact that their middle-class peers make slight gains; and

Whereas, children lose more than academic knowledge over the summer. Most children, particularly children at high risk of obesity, gain weight more rapidly when they are out of school during summer break; and

Whereas, students typically score lower on standardized tests at the end of summer vacation than they do on the same tests at the beginning of the summer; and

Whereas, North Carolina continues to spend precious resources on the remediation of its students; and

Whereas, the State of North Carolina should explore the feasibility of extending its school year and potentially being a model for the nation; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly reaffirms its intent that every child in North Carolina deserves an opportunity to a sound basic education.

SECTION 2.(a) Commission Established. – There is established in the General Assembly a Blue Ribbon Commission to study the length of our current school year.

SECTION 2.(b) Membership. – The Commission shall be composed of 19 members as follows:

(1) Five members of the House of Representatives appointed by the Speaker of the House of Representatives.
(2) Five members of the Senate appointed by the President Pro Tempore of the Senate.
(3) The chair of the North Carolina State Board of Education.
(4) The executive director of the North Carolina School Boards Association.
(5) The Superintendent of Public Instruction.
(6) The president of North Carolina Association of Educators, Inc.
(7) The executive director of the North Carolina Association of School Administrators.
(8) The executive director of the Public School Forum of North Carolina.
(9) The executive director of the Professional Educators of North Carolina, Inc.
(10) The executive director of the N.C. Principals/Assistant Principals Association, Inc.
(11) The executive director of the North Carolina Congress of Parents and Teachers, Incorporated.

SECTION 2.(c) Duties of Commission. – The Commission shall study the following matters related to North Carolina's educational needs:

(1) Strategies for making North Carolina's children ready to compete in the 21st century.
(2) The cost of implementing a longer school year.
(3) A plan for implementing a longer school year.
(4) The impact of summer learning loss.
(5) The cost of remediation in the public schools, the community colleges, and the constituent institutions of The University of North Carolina.
(6) The impact of the current calendar on low-income and at-risk students.
(7) The impact of the current calendar on math and science scores.
(8) The achievement gap.

SECTION 2.(d) Vacancies. – Any vacancy on the Commission shall be filled by the appointing authority.

SECTION 2.(e) Cochairs. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A quorum of the Commission shall be 10 members.

SECTION 2.(f) Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 2.(g) Staff. – Adequate staff shall be provided to the Commission by the Legislative Services Office.

SECTION 2.(h) Consultants. – The Commission may hire consultants to assist with the study. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

SECTION 2.(i) Cooperation. – The Commission may call upon any department, agency, institution, or officer of the State or any political subdivision thereof for facilities, data, or other assistance.

SECTION 2.(j) Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 2.(k) Meeting Location. – The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

SECTION 2.(l) Report. – The Commission shall make an interim report of its findings and recommendations to the 2012 Regular Session of the 2011 General Assembly and shall make a final report of its findings and recommendations to the 2013 General Assembly. The Committee shall submit copies of the reports to the Governor and the Secretary of Transportation. Upon the filing of its final report, the Commission shall terminate.

SECTION 2.(m) Funding. – The Commission may apply for, receive, and accept grants of non-State funds or other contributions as appropriate to assist in the performance of its duties.

SECTION 2.(n) Appropriation. – Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate sufficient funds for the expenses of the Commission.

SECTION 3. This act becomes effective July 1, 2011.

HOUSE RESOLUTION 767

Sponsors:	Representatives Cotham, Carney, Earle, and M. Alexander (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

April 7, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF SUSAN MECUM BURGESS.

Whereas, Susan Mecum Burgess was born on March 3, 1946, in Charleston, West Virginia, to Shade Morris Mecum, Jr., and Rachel Browder Mecum; and

Whereas, after graduating from Saint Albans High School in West Virginia, Susan Mecum Burgess attended West Liberty University, then earned a bachelor's degree in Health Sciences from Florida International University and a master's degree in Public Health from the University of Alabama at Birmingham; and

Whereas, Susan Mecum Burgess's career included working in private dental offices and serving as a public health researcher and adjunct professor and as a health and church administrator; and

Whereas, Susan Mecum Burgess was a member of the Charlotte-Mecklenburg Board of Education from 1990 to 1997, during which time she served as chair from 1995 to 1997; and

Whereas, in 1999, Susan Mecum Burgess was elected at-large to the Charlotte City Council and went on to serve for nine years, including seven years as Mayor Pro Tem; and

Whereas, Susan Mecum Burgess exhibited outstanding leadership abilities, serving as chair of the North Carolina Teaching Fellows Commission, president of the North Carolina League of Municipalities, president of Women in Municipal Government, and chair of the National Conference of Democratic Municipal Officials, and as a member of the Board of Directors of the National League of Cities; and

Whereas, Susan Mecum Burgess served on the Executive Committee of the Democratic National Convention and suggested that the organization consider Charlotte as the host city for the 2012 National Convention; and

Whereas, Susan Mecum Burgess made significant contributions to several Charlotte area boards and commissions, including the Arts and Sciences Council, the Council for Children (now Council for Children's Rights), the Drug Education Center (now Preventive Health Services), and the Girl Scouts, Hornets' Nest Council; and

Whereas, Susan Mecum Burgess was the recipient of many honors and awards for her many good deeds, including the Order of the Long Leaf Pine, North Carolina's highest citizen award, and the Order of the Hornet, Mecklenburg County's highest honor; and

Whereas, Susan Mecum Burgess was a member of the Covenant Presbyterian Church, where she served as an elder; and

Whereas, Susan Mecum Burgess died on June 16, 2010, at the age of 64; and

Whereas, Susan Mecum Burgess is survived by her husband of 43 years, Dr. William Patrick Burgess; four children, Geoffrey Burgess, Dr. Jason Burgess, Gillian Burgess, and Colin Burgess; her parents; three siblings; and seven grandchildren; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Susan Mecum Burgess and expresses the appreciation of the citizens of this State for her contributions to Charlotte, Mecklenburg County, and this State.

SECTION 2. The House of Representatives extends its sympathy to the family of Susan Mecum Burgess for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Susan Mecum Burgess.

SECTION 4. This resolution is effective upon adoption.

H

HOUSE BILL 774
Corrected Copy 4/11/11

Short Title:	Study Insurance for Contract Growers.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House (Primary Sponsor) For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Insurance, if favorable, Rules, Calendar, and Operations of the House.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENTS OF AGRICULTURE AND INSURANCE TO STUDY OPTIONS FOR AGRICULTURAL CONTRACT GROWERS TO PROTECT THEMSELVES AGAINST FINANCIAL LOSSES DUE TO WEATHER, NATURAL DISASTERS, OR OTHER ACTS OF GOD.

The General Assembly of North Carolina enacts:

SECTION 1. The Commissioner of Insurance, with the assistance of the Commissioner of Agriculture, shall study the availability and need for insurance products or statutory contractual requirements that will enable agricultural contract growers to protect themselves from financial loss resulting from loss of the contracted animals due to weather, natural disaster, or other act of God. The Commission shall address, at a minimum, the following issues:

(1) The current availability of and need for insurance products to protect contract growers who have a financial investment in the animals they tend, even if they do not own the animals.

(2) Standard contract language and terms in common use in the agricultural contract growing industry, and whether statutory protections or requirements are necessary to protect agricultural contract growers in the State from ruinous financial loss due to weather, natural disasters, or other acts of God.

The Commissioners may submit an interim report to the 2012 Regular Session of the 2011 General Assembly and shall submit a final report of their findings and recommendations, including any legislative proposals, to the 2013 General Assembly.

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

H 1

HOUSE BILL 796

Short Title:	Study Property Tax Valuation Process.	(Public)
Sponsors:	Representative Moffitt (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Finance.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE METHODOLOGY OF VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES TO ENSURE THE PROCESS IS BOTH UNIFORM AND FAIR.

The General Assembly of North Carolina enacts:

SECTION 1. Study. – The Revenue Laws Study Committee shall study the process of property valuation for the property tax purposes. The study shall include the current exemptions and deferral programs that affect property tax liability, the use of true value as a standard for valuation, current bases for altering a determined property tax value, and differences that exist or are permitted to exist between county procedures that affect property taxation. The Committee shall make a report on this issue, including any recommendations or legislative proposals, to the 2012 Regular Session of the 2011 General Assembly upon its convening.

SECTION 2. In conducting the study described in Section 1 of this act, 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 10 members and may include no more than four individuals who are not members of the Committee or of the General Assembly.

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

HOUSE BILL 800

Short Title:	Streamlining NC Economic Dev for Job Creation.	(Public)
Sponsors:	Representatives Murry, McComas, Moffitt, and Collins (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Commerce and Job Development.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NORTH CAROLINA JOBS AND COMMERCE CORPORATION TASK FORCE TO STUDY THE IMPLEMENTATION OF THE TRANSFERRING OF ECONOMIC DEVELOPMENT ACTIVITIES INTO A SINGLE ENTITY.

Whereas, the economic development activities in North Carolina are seemingly moving in various directions; and

Whereas, the economic development activities in North Carolina have no central governance to prevent duplicative efforts and monitor effectiveness; and

Whereas, a single economic development governance structure, coupled with a detailed implementation plan to establish a public-private partnership, would help to streamline and add a layer of accountability to economic development activities; and

Whereas, the current economic conditions highlight the need for efficient economic development activities, accountability, and oversight to maximize the assistance to businesses, both small and large, to expand, grow, and create jobs; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.1. Creation. – Effective July 1, 2012, there is created the North Carolina Jobs and Commerce Corporation (NCJCC), which is intended to replace the current economic development governance structure currently located in other State entities, including the Department of Commerce and which shall be housed within the Small Business Technology and Development Center (SBTDC) within The University of North Carolina. The structure, duties, responsibilities, and functions of the NCJCC and the implementation plan of transferring the economic development activities within this State to the NCJCC shall be studied by the North Carolina Jobs and Commerce Corporation Task Force established pursuant to Section 2 of this act.

SECTION 1.2. Corporate board. – The Board of Directors of the NCJCC shall be composed of the Secretary of Commerce as an ex officio member and of 15 members, as follows:

(1) Six members appointed by the Speaker of the House of Representatives as follows:

a. An individual who is a member or a representative of a member of the North Carolina Economic Developers Association and who represents a rural county, as defined in G.S. 143B-437.45.

b. An individual who is a member or a representative of a member of the North Carolina Chamber of Commerce.

c. Three individuals who are members of the House of Representatives at the time of appointment, at least one of which represents the minority party.
d. An individual with small business ownership experience. As used in this act, "small business" is as defined in G.S. 105-129.50.

(2) Six members appointed by the President Pro Tempore of the Senate as follows:
a. An individual who is a member or a representative of a member of the North Carolina Economic Developers Association and who represents an urban area. As used in this act, "urban area" means places of 2,500 or more persons incorporated as cities, villages, boroughs, or towns.
b. An individual who is a member or a representative of a member of the National Federation of Independent Business.
c. Three individuals who are members of the Senate at the time of appointment, at least one of which represents the minority party.
d. An individual with experience in the private corporate sector.

(3) Three members of the public who are not State employees and have not left State service within a period of not less than 12 months preceeding the appointment, as follows:
a. An individual appointed by the Governor.
b. An individual appointed by the Speaker of the House of Representatives.
c. An individual appointed by the President Pro Tempore of the Senate.

The Board of Directors shall have two cochairs, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House of Representatives from among their appointees.

SECTION 1.3. Responsibilities. – Effective July 1, 2012, responsibilities of and monies located in entities and funds listed in Section 2.3 of this act shall be transferred to the NCJCC, which shall assume the oversight of the State's economic development programs.

SECTION 2.1. Establishment. – The North Carolina Jobs and Commerce Corporation Task Force is established.

SECTION 2.2. Membership. – The Task Force shall be composed of 3 ex officio members appointed by the Governor and 12 members, as follows:

(1) Six members appointed by the Speaker of the House of Representatives as follows:
a. An individual who is a member or a representative of a member of the North Carolina Economic Developers Association and who represents a rural county, as defined in G.S. 143B-437.45.
b. An individual who is a member or a representative of a member of the North Carolina Chamber of Commerce.
c. Three individuals who are members of the House of Representatives at the time of appointment, at least one of which represents the minority party.
d. An individual with small business ownership experience. As used in this act, "small business" is as defined in G.S. 105-129.50.

(2) Six members appointed by the President Pro Tempore of the Senate as follows:
a. An individual who is a member or a representative of a member of the North Carolina Economic Developers Association and who represents an urban area. As used in this act, "urban area" means

places of 2,500 or more persons incorporated as cities, villages, boroughs, or towns.

b. An individual who is a member or a representative of a member of the National Federation of Independent Business.

c. Three individuals who are members of the Senate at the time of appointment, at least one of which represents the minority party.

d. An individual with experience in the private corporate sector.

The Task Force shall have two cochairs, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House of Representatives from among their appointees. The Task Force shall meet upon the call of the cochairs. Vacancies shall be filled by the appointing authority. A quorum of the Task Force shall be a majority of the members.

SECTION 2.3. Duties. – The Task Force shall do the following:

(1) Evaluate the State's current system of economic incentives to determine which economic incentives in the State's current portfolio are providing a good return on investment and are effectively recruiting high-value jobs to the State.

(2) Examine the existing grant, loan, and other economic development programs to determine where there are duplicative incentives. The examined programs shall include, at a minimum, the following:

a. The International Trade Division of the Department of Commerce.

b. The Economic Development Intelligence System of the Department of Commerce.

c. The Division of Business and Industry Development of the Department of Commerce.

d. The Economic Development Board of the Department of Commerce.

e. The Job Development Investment Grant program.

f. The One North Carolina Fund.

g. The One North Carolina Small Business Fund.

h. The Industrial Development Fund.

i. The Industrial Development Fund Utility Account.

j. The Job Maintenance and Capital Development Fund.

k. The Green Business Fund.

l. The Site Infrastructure Grant.

m. The Economic Development Reserve.

n. The Regional Economic Development Commissions.

o. The NC Biotechnology Center.

p. The NC Institution of Minority Economic Development.

q. Pass-through appropriations for the NC Center for Automotive Research, community development corporations, the High Point Furniture Market, the Duplin Agribusiness Center, the Gaston County Economic Development Commission, the Kerr-Tar Regional Economic Development Commission, the Hoke County Regional Industrial Park, Johnson & Wales University, the Defense and Security Technology Accelerator, and the Rural Economic Development Center.

r. Funding provided to institutions of higher learning for community engagement, regional development, extension services, business centers, and other collaborative endeavors to foster economic development.

s. Any other discretionary funds which have been authorized or have received, directly or indirectly, appropriations or allocations originating from the General Fund.

(3) Develop a plan of implementation to eliminate redundant economic development entities engaged in similar or overlapping activities by transferring the State's portfolio of incentives and activities into a new, streamlined, nongovernmental entity.

(4) Recommend guidance and oversight protocols for the new entity to ensure effective, ongoing auditing of the State's portfolio of economic incentives so as to increase accountability and to ensure that nonproductive incentives are dynamically adjusted to provide a good return on investment or eliminated.

(5) Establish metrics to provide data that quantifies the impact of each retained economic incentive, including how many jobs are created, how many jobs are maintained, and how grants, loans, or other monetary and nonmonetary assistance has assisted businesses to grow or expand.

(6) Study and recommend emerging growth areas that are appropriate targets for future or needed economic incentive activities and that recognize the realities of the present-day economy.

SECTION 2.4. Compensation; administration. – Members of the Task Force shall receive subsistence and travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate. With the prior approval of the Legislative Services Task Force, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Task Force. The SBTDC shall provide advice and staffing to the Task Force. Provision of such advice and staffing shall be coordinated through the President of The University of North Carolina. With the prior approval of the Legislative Services Commission, the Task Force may hold its meetings in the State Legislative Building or the Legislative Office Building. The Task Force may also meet at various locations around the State in order to promote greater public participation in its deliberations. The Task Force, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses. The Task Force may meet during a regular or extra session of the General Assembly.

SECTION 2.5. Report. – The Task Force shall report its findings and recommendations, including any statutory changes necessary to improve the effectiveness and efficiency of the NCJCC to the 2012 Regular Session of the 2011 General Assembly no later than May 1, 2012. The Task Force shall terminate upon the filing of its final report.

SECTION 2.6. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Task Force established by this act. Such allocation may be accomplished by transfer of funds to The University of North Carolina or the Small Business Technology and Development Center. Funds appropriated to The University of North Carolina or Small Business Technology and Development Center may also be used to provide professional and clerical assistance as provided by this act.

SECTION 3. This act becomes effective July 1, 2011.

H 1

HOUSE BILL 825

Short Title:	Jt. Legis. Study on Meth Lab Prevention.	(Public)
Sponsors:	Representatives Glazier, Floyd, Carney, and Weiss (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Judiciary Subcommittee B.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON METHAMPHETAMINE LAB PREVENTION.

The General Assembly of North Carolina enacts:

SECTION 1. Commission Established. – There is created the Joint Legislative Study Commission on Methamphetamine Lab Prevention. The Commission shall consist of eight members appointed as follows:

(1) Two members appointed by the Governor, to include one sheriff and one other law enforcement officer of the State of North Carolina.

(2) Three members appointed by the Speaker of the House of Representatives, to include two members of the House of Representatives and one member to represent the interests of retail pharmacists.

(3) Three members appointed by the President Pro Tempore of the Senate, to include two members of the Senate and one person who represents the interests of the North Carolina Merchants Association.

Vacancies on the Commission shall be filled by the appointing authority. A quorum of the Commission shall consist of five members.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint a cochair for the Commission. The Commission may meet at any time upon the joint call of the cochairs.

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

The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

SECTION 3. Purpose. – The Commission shall consider whether North Carolina should adopt an electronic tracking blocking system in lieu of the current manual log to prevent the illegal sale of pseudoephedrine drugs similar to the system adopted in South Carolina. In its study, the Commission shall also consider the "Methamphetamine Lab Prevention Act of 2005" that was enacted by the legislature of South Carolina.

SECTION 4. Staff. – Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of

the Commission. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives and Senate Supervisors of Clerks.

SECTION 5. Meeting location. – The Commission may meet in the Legislative Building or Legislative Office Building upon the approval of the Legislative Services Commission.

SECTION 6. Expenses of members. – Members of the Commission shall receive per diem, subsistence, and travel allowances at the rate established in G.S. 120-3.1.

SECTION 7. Report. – The Commission shall submit an interim report to the 2012 Regular Session of the 2011 General Assembly prior to its reconvening and shall make a final report to the 2013 Regular Session of the General Assembly prior to its convening. The report shall contain the Commission's findings, recommendations, legislative proposals, and cost analyses. The Commission shall terminate upon filing its final report or upon the convening of the 2013 General Assembly, whichever is earlier.

SECTION 8. Funding. – Of the funds appropriated to the General Assembly for the 2011-2012 fiscal year and for the 2012-2013 fiscal year, the Legislative Services Commission shall allocate funds for the purpose of supporting the study established by this act.

SECTION 9. This act becomes effective July 1, 2011.

H 1

HOUSE BILL 901

Short Title:	LRC to Study Protection of Masonboro Island.	(Public)
Sponsors:	Representative McComas (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 5, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE PROTECTION OF MASONBORO ISLAND IN ORDER TO ASSURE THAT THE ECOLOGICAL SYSTEMS OF THE ISLAND ARE MAINTAINED AND PRESERVED AND TO ASSURE THAT THE PUBLIC RETAINS ACCESS TO THE ISLAND.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission shall study the protection of Masonboro Island, an undeveloped barrier island owned by the State and located off the coast of North Carolina between Wrightsville and Carolina Beaches, in order to assure that the ecological systems of the island are maintained and preserved and to assure that the public retains access to the island. In conducting its study, the Commission shall do all of the following:

(1) Determine what protections Masonboro Island currently receives with respect to its ecological systems and access to it by the public as an area that is included in the Coastal Reserve Program under Part 5 of Article 7 of Chapter 113A of the General Statutes.

(2) Determine the current and appropriate roles of the Division of Coastal Management of the Department of Environment and Natural Resources, the Coastal Resources Commission, and New Hanover County regarding these protections of Masonboro Island under subdivision (1) of this section.

(3) Consider what administrative rules and local government rules apply to the ecological protection of Masonboro Island or to its use by the public.

(4) Consider the specific changes to the rules under subdivision (3) of this section that are being considered or discussed by the Department of Environment and Natural Resources, the Coastal Resources Commission, or New Hanover County that could result in limiting public access to Masonboro Island or closing Masonboro Island to the public completely, what specific incidents and the location of these incidents that prompted such possible rule changes, and the costs to the Department, the Coastal Resources Commission, New Hanover County, and the public of adopting such possible rule changes.

(5) Determine how to balance the interests of protecting the ecology of Masonboro Island and making Masonboro Island available to citizens who enjoy its natural beauty and wish to participate in the protection of the sea turtles and other native species from natural predators.

(6) Consider whether Part 5 of Article 7 of Chapter 113A of the General Statutes or any administrative rules adopted pursuant to Part 5 should be amended to achieve the appropriate balance of interests as determined under subdivision (5) of this section.

(7) Consider whether adding Masonboro Island to the State Parks System would result in achieving the appropriate balance of interests as determined under subdivision (5) of this section.

(8) Any other issue the Commission considers relevant to its study.

SECTION 2. The Legislative Research Commission may make an interim report to the 2011 General Assembly when it reconvenes in 2012 and shall make its final report to the 2013 General Assembly. Each report shall include the findings and recommendations of the study, including any legislative or administrative proposals.

SECTION 3. There is appropriated from the General Fund to the General Assembly the sum of twenty-five thousand dollars ($25,000) for the 2011-2012 fiscal year and the sum of twenty-five thousand dollars ($25,000) for the 2012-2013 fiscal year for the cost of conducting the study under this act.

SECTION 4. This act becomes effective July 1, 2011.

H 1

HOUSE BILL 836

Short Title:	Compensation Study/State Bds. and Comms.	(Public)
Sponsors:	Representative McElraft (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT CREATING THE STUDY COMMITTEE ON THE COMPENSATION OF STATE BOARD AND COMMISSION EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Study Committee on the Compensation of State Board and Commission Employees (Committee) is created. The purpose of the Committee is to examine the compensation of the employees serving various State boards and commissions created by the General Statutes and to determine the need to modify any of those compensation schemes in order to maximize the efficiency and effectiveness of State government. This examination shall include, but is not limited to, reviewing the compensation and benefits of employees of the Lottery Commission, the Banking Commission, and the Credit Union Commission.

Specifically, the Committee shall study all of the following with respect to the compensation of State board and commission employees:

(1) Pay, benefits, classification, and banding plans afforded those employees compared to (i) the compensation of other State employees and (ii) the compensation of similar positions and persons in other states.

(2) Factors affecting how State boards and commissions make employee compensation decisions, including justifications for any salaries and benefits that appear to be excessive or unwarranted.

(3) Costs and effects of differing, alternative, or special compensation systems established by boards and commissions upon State government as a whole.

(4) Any other matters the Committee finds appropriate.

SECTION 1.(b) The Committee shall consist of 15 members, as follows:

(1) Five persons appointed by the President Pro Tempore of the Senate, at least three of whom shall be members of the Senate.

(2) Five persons appointed by the Speaker of the House of Representatives, at least three of whom shall be members of the House.

(3) Five persons appointed by the Governor from the general public.

SECTION 1.(c) The Committee shall make an interim report to the 2012 Regular Session of the 2011 General Assembly by May 1, 2012. The Committee shall report the final results of its study and any recommendations and legislative proposals to the 2013 General Assembly upon its convening. The Committee shall terminate upon filing the final report.

SECTION 2. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint a cochair for the Committee. The Committee shall meet upon the call of the cochairs. A majority of the members constitutes a quorum. Vacancies

shall be filled by the initial appointing officer. The Committee may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Committee. Clerical staff shall be furnished to the Committee through the offices of the House of Representatives and Senate Supervisors of Clerks. The Committee may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. Members of the Committee shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, and 138-6, as appropriate. From funds appropriated to the General Assembly, the Legislative Services Commission may allocate funds for the expenses of the Committee.

SECTION 3. The Committee, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-9 and G.S. 120-9.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses. The State Personnel Director and the State Budget Director shall each designate appropriate staff to serve as liaisons to the Committee.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE RESOLUTION 858

Sponsors:	Representatives Womble, Parmon, McGee, and Folwell (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

April 7, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF R. PHILIP HANES, JR.

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of R. Philip Hanes, Jr., and expresses the appreciation of this State and its citizens for the service he rendered.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the family of R. Philip Hanes, Jr.

SECTION 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 925
Committee Substitute Favorable 5/26/11

Short Title: LRC Study Metropolitan Sewerage/Water System. (Public)

Sponsors:

Referred to:

May 5, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WHETHER THE EFFICIENCY OF PROVIDING WATER AND SEWER SERVICES CAN BE IMPROVED BY REQUIRING LARGE CITIES LOCATED ENTIRELY WITHIN A METROPOLITAN SEWERAGE DISTRICT TO CONVEY THEIR WATER SYSTEM TO THAT DISTRICT WHICH CAN THEN OPERATE BOTH WATER AND SEWER.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission shall study whether requiring large cities that have a municipal water system and that are located entirely within a Metropolitan Sewerage District to convey that water system to the district will improve the efficiency of providing public services. The Commission shall specifically examine House Bill 925, First Edition, 2011 Regular Session, and the following issues:

(1) Financial stability of the current independent systems on a historic basis and the anticipated financial stability of a combined system.
(2) Cost-benefit analysis of a combined system, including a review of assets and liabilities; personnel needs; equipment and infrastructure replacement schedules; facilities leased and owned; and fee schedules.
(3) Debt obligation.
(4) Taxpayer investments in the systems.
(5) Audit of current financials.
(6) Comparative analysis of the current system to existing public and private systems.
(7) Conservation and water efficiency practices.
(8) Best management practices.
(9) The disposition of property in Article 12 of Chapter 160A of the General Statutes as it relates to a conveyance of a water system.
(10) The transfer of permits when a water system is conveyed.
(11) Any local acts applicable to the city or metropolitan sewerage district.
(12) Other items the Commission deems relevant to the study.

SECTION 2. The Legislative Research Commission shall report its findings and recommendations to the 2012 Regular Session of the 2011 General Assembly prior to its convening.

SECTION 3. The Legislative Services Officer shall allocate funds appropriated to the General Assembly for the expenditures of the Legislative Services Commission in conducting this study.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 800
PROPOSED COMMITTEE SUBSTITUTE H800-PCS30373-LB-66

Short Title: Preserving the Right to Secret Ballot. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT PROPOSING AN AMENDMENT TO THE NORTH CAROLINA CONSTITUTION SO AS TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article I of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 38. Secret ballot on employee representation by a labor organization.**

The fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

A constitutional amendment providing that the fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The amendment becomes effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 800
PROPOSED COMMITTEE SUBSTITUTE H800-PCS30373-LB-66

Short Title: Preserving the Right to Secret Ballot. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT PROPOSING AN AMENDMENT TO THE NORTH CAROLINA CONSTITUTION SO AS TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

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SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

A constitutional amendment providing that the fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The amendment becomes effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 757
PROPOSED COMMITTEE SUBSTITUTE H757-PCS11224-TH-7

Short Title: Study Consolidation of DV Commission/CFW. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CONSOLIDATION OF THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission may study the issues involved in consolidating the North Carolina Council for Women and the Domestic Violence Commission into one commission to improve services to victims of domestic violence and sexual assault and services to displaced homemakers. If the Legislative Research Commission determines that consolidating the North Carolina Council for Women and the Domestic Violence Commission into one commission would improve services to domestic violence and sexual assault victims and to displaced homemakers, then the Legislative Research Commission may further consider the composition and duties of the new consolidated commission and the statutory changes necessary to achieve consolidation.

SECTION 2. In its study, the Legislative Research Commission may consider the matters contained in the First Edition of House Bill 757 of the 2011 Regular Session of the General Assembly, including whether to consolidate funds for domestic violence, sexual assault, and displaced homemakers and authorize the board of county commissioners in each county to use the funds to make quarterly grants to any of the following:

(1) A center for victims of domestic violence.
(2) A center for victims of sexual assault or rape crisis.
(3) A center for displaced homemakers.
(4) A center providing any combination of services as described in subdivisions (1) through (3) of this section.

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

HOUSE BILL 628

Short Title:	Development Ready Jobs Study.	(Public)
Sponsors:	Representatives Jeffus and Faircloth (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Finance.	

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY POLICIES AND INCENTIVES THAT CAN BE ESTABLISHED TO STIMULATE THE CREATION OF DEVELOPMENT READY SITES TO AID IN JOB RECRUITMENT AND RETENTION EFFORTS.

The General Assembly of North Carolina enacts:

SECTION 1. Study. – The Revenue Laws Study Committee shall study the issue of enacting incentives, similar to tools for farmland preservation, brownfields redevelopment, historic preservation, and land conservation, to stimulate the creation of "development ready" sites. The study shall include (i) discussion of property tax relief that maintains tax assessment values at agricultural value for "development ready" sites where horizontal infrastructure has been put in place so as to make a site ready for building design and (ii) discussion of income tax deductions or income tax credits for land preservation through land banking, purchase of options, or purchase of development rights; redevelopment of obsolete industrial buildings or areas; rezoning to appropriate zoning classifications; and infrastructure improvements to make sites "development ready." The Committee shall make a report on this issue, including any recommendations or legislative proposals, to the 2012 Regular Session of the 2011 General Assembly upon its convening.

SECTION 2. In conducting the study described in Section 1 of this act, 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 18 members and may include no less than five members of the House of Representatives appointed by the Speaker of the House, no less than five members of the Senate appointed by the President Pro Tempore of the Senate, and individuals who are not members of the Committee or of the General Assembly, eight of whom represent the following interests:

(1) Piedmont Triad Partnership.
(2) North Carolina Economic Developers Association.
(3) Triad Real Estate & Building Industry Coalition.
(4) North Carolina Association of Realtors.
(5) NAIOP.
(6) North Carolina Association of County Commissioners.
(7) The North Carolina League of Municipalities.
(8) The North Carolina Tax Collectors Association.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 66
PROPOSED COMMITTEE SUBSTITUTE H66-PCS30380-ST-56

Short Title: Greene County Commissioners. (Local)

Sponsors:

Referred to:

February 10, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE GREENE COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 4 of Article 4 of Chapter 153A of the General Statutes is suspended until January 1, 2015.

SECTION 2. Until modified, the elections for the Greene County Board of Commissioners shall be conducted in the following districts:

District 1: Greene County: VTD: ARBA: Block(s) 0799503003017, 0799503003018, 0799503003019, 0799503003020, 0799503003021, 0799503003027, 0799503003028, 0799503003029, 0799503003034, 0799503003035, 0799503003036, 0799503003060, 0799503003061, 0799503003063, 0799503003064, 0799503003065, 0799503003066, 0799503003070, 0799503003071, 0799503003072; VTD: BEAR: 0799503002000, 0799503002007, 0799503002008, 0799503002009; VTD: SH1: 0799503001000, 0799503001001, 0799503001012, 0799503001013, 0799503001014, 0799503001018, 0799503001019, 0799503001020, 0799503001053, 0799503002010, 0799503002011, 0799503002012, 0799503002013, 0799503002014, 0799503002015, 0799503002016, 0799503002017, 0799503002018, 0799503002019, 0799503002020, 0799503002021, 0799503002022, 0799503002023, 0799503002024, 0799503002025, 0799503002026, 0799503002027, 0799503002028, 0799503002029, 0799503002030, 0799503002031, 0799503002033, 0799503002034, 0799503002035, 0799503002036, 0799503002037, 0799503002038, 0799503002052, 0799503002053, 0799503002054, 0799503003000, 0799503003001, 0799503003002, 0799503003003, 0799503003004, 0799503003005, 0799503003006, 0799503003007, 0799503003008, 0799503003009; VTD: SUGG: 0799503003037, 0799503003039, 0799503003040, 0799503003041, 0799503003042, 0799503003043, 0799503003044, 0799503003045, 0799503003046, 0799503003047, 0799503003048, 0799503003052, 0799503003053, 0799503003054, 0799503003055, 0799503003056, 0799503003057, 0799503003058, 0799503003059, 0799503003067, 0799503003068, 0799503003069, 0799503003073, 0799503004006, 0799503004007, 0799503004008, 0799503004009, 0799503004010, 0799503004011, 0799503004012, 0799503004013, 0799503004029.

District 2: Greene County: VTD: ARBA: Block(s) 0799502003016, 0799502003017, 0799502003033, 0799502003034, 0799502003035, 0799502003036, 0799502003037,

0799502003038, 0799502003053, 0799502003054, 0799502003055, 0799502003059, 0799502003060, 0799503002041, 0799503002042, 0799503002045, 0799503002046, 0799503002047, 0799503002048, 0799503003022, 0799503003023, 0799503003024, 0799503003025, 0799503003026, 0799503003030, 0799503003031, 0799503003032, 0799503003033; VTD: BEAR: 0799503002001, 0799503002002, 0799503002003, 0799503002004, 0799503002005, 0799503002006, 0799503002032, 0799503002039, 0799503002040, 0799503002049, 0799503002050, 0799503002051; VTD: SHIN, VTD: SUGG: Block(s) 0799503003010, 0799503003011, 0799503003012, 0799503003013, 0799503003014, 0799503003015, 0799503003016, 0799503003038, 0799503003049, 0799503003050, 0799503003051, 0799503003062.

District 3: Greene County: VTD: BULL, VTD: WALS.

District 4: Greene County: VTD: BEAR: Block(s) 0799501012031, 0799501012033, 0799501012034, 0799501012035, 0799501012036, 0799501012037, 0799501012038, 0799501012039, 0799501012042, 0799501012043, 0799501012044, 0799501012045, 0799501012046, 0799501013018, 0799501013023, 0799501013024, 0799501013025, 0799501013026, 0799501013027, 0799501013028, 0799501013029, 0799501013030, 0799501013031, 0799501022046, 0799501022047, 0799501022048; VTD: CAST, VTD: MAUR: Block(s) 0799501022037, 0799501022039, 0799501022040, 0799501022041, 0799501022043, 0799501022044, 0799501022045, 0799501022051, 0799501022054, 0799501022055, 0799501022056, 0799501022057, 0799501022058, 0799501022059, 0799501022061, 0799501022064, 0799501022067, 0799501022068; VTD: SH1: 0799503001002, 0799503001003, 0799503001004, 0799503001005, 0799503001006, 0799503001007, 0799503001008, 0799503001009, 0799503001010, 0799503001011, 0799503001015, 0799503001016, 0799503001017, 0799503001021, 0799503001022, 0799503001023, 0799503001024, 0799503001025, 0799503001026, 0799503001027, 0799503001028, 0799503001029, 0799503001030, 0799503001031, 0799503001032, 0799503001033, 0799503001034, 0799503001035, 0799503001036, 0799503001037, 0799503001038, 0799503001039, 0799503001040, 0799503001041, 0799503001042, 0799503001043, 0799503001044, 0799503001045, 0799503001046, 0799503001047, 0799503001048, 0799503001049, 0799503001050, 0799503001051, 0799503001052, 0799503001054, 0799503001055, 0799503001056, 0799503001057, 0799503001058, 0799503001059, 0799503001060, 0799503001061.

District 5: Greene County: VTD: HOOK, VTD: MAUR: Block(s) 0799501021000, 0799501022010, 0799501022011, 0799501022012, 0799501022014, 0799501022015, 0799501022016, 0799501022017, 0799501022018, 0799501022019, 0799501022020, 0799501022021, 0799501022022, 0799501022023, 0799501022024, 0799501022025, 0799501022026, 0799501022027, 0799501022028, 0799501022029, 0799501022030, 0799501022031, 0799501022032, 0799501022033, 0799501022034, 0799501022035, 0799501022036, 0799501022038, 0799501022042, 0799501022049, 0799501022050, 0799501022052, 0799501022053, 0799501022060, 0799501022062, 0799501022063, 0799501022065, 0799501022066

SECTION 3. Following the return of the 2020 Census, and each Census thereafter, the Greene County Board of Commissioners may revise the election districts.

SECTION 4. The Greene County Commissioners shall submit the changes required by this act to the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

SECTION 5. This act applies to Greene County only.

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

Ideal Versus Actual Populations Based on 2010 Census Results
Plan_0_TC_5

District	2010 Pop	Ideal Pop	Ideal +/-	% +/-
1	82,246	81,401	845	1.04%
2	81,685	81,401	284	0.35%
3	80,225	81,401	-1,176	-1.44%
4	80,592	81,401	-809	-0.99%
5	83,261	81,401	1,860	2.28%
6	80,397	81,401	-1,004	-1.23%

Guilford County
O-TC-5

- Highways w/Limited Access
- US Highways
- NC Highways
- County
- *Voter Tabulation Districts*

District
- 1
- 2
- 3
- 4
- 5
- 6

0 0.5 1 2 3 4 5
Miles

N

Rockingham County

Guilford County

Alamance County

Davidson County

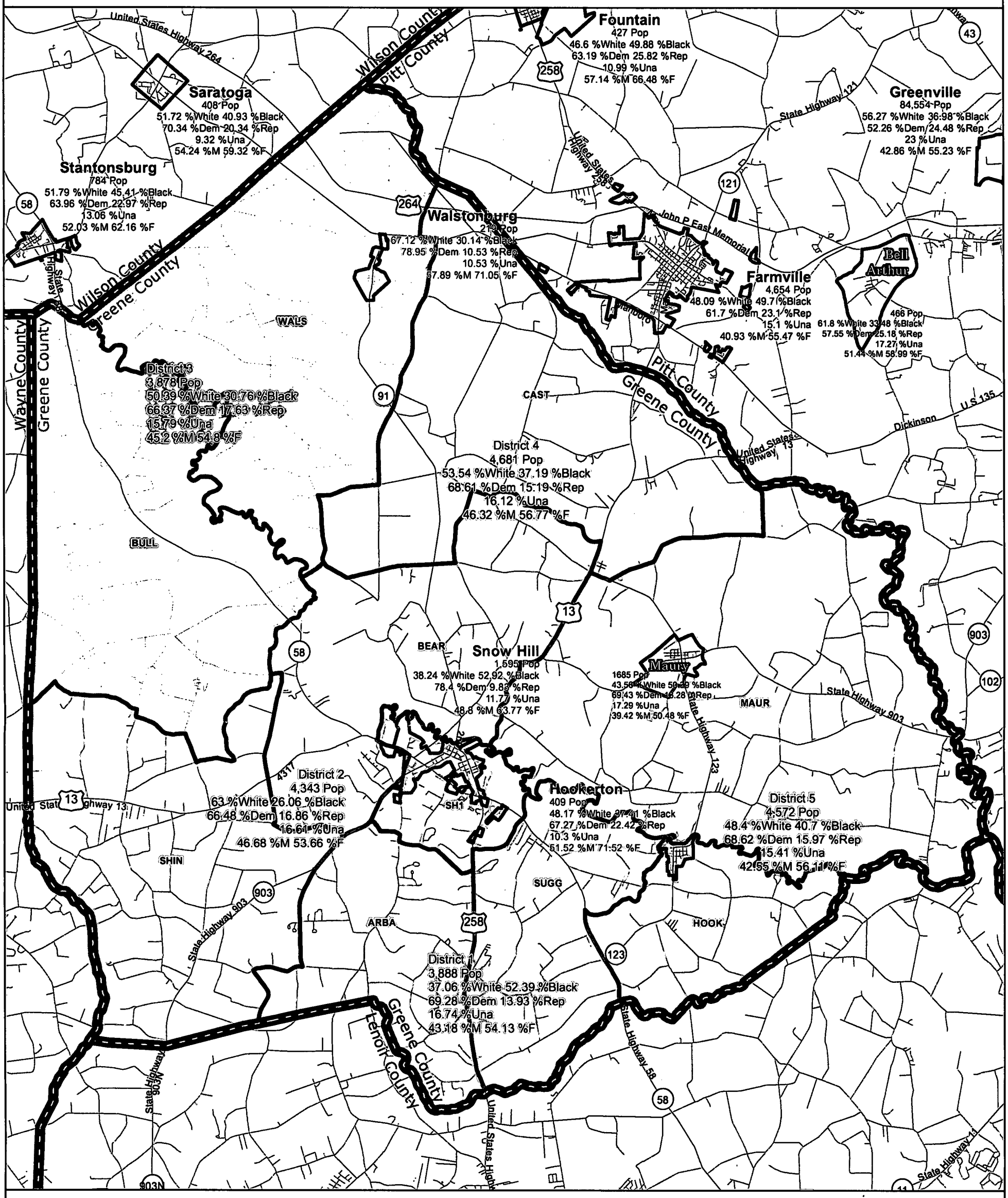
Randolph County

District 1
District 2
District 3
District 4
District 5
District 6

STOK SF1 SF2 NCGR1 NCGR2 OR1 OR2 SF3 SF4 CG1 CG2 CG3A CG3B MON1 MON2 MON3 NMAD NWASH SMAD SWASH FR3 FR4 FR5 NDRI G40A1 G40A2 G40B G41 G42 G43 G44 G45 G46 G47 G48 G49 G50 G51 G52 G53 G54 G55 G56 G57 G58 G59 G60 G61 G62 G63 G64 G65 G66 G67 G68 G69 G70 G71 G72 G73 G74 G75 G01 G02 G03 G04 G05 G06 G07 G08 G09 G10 G11 G12 G13 G14 G15 G16 G17 G18 G19 G20 G21 G22 G23 G24 G25 G26 G27 G28 G29 G30 G31 G32 G33 G34 G35 G36 G37 G38 G39 JEF1 JEF2 JEF3 JEF4 RC1 RC2 GIB SDRI JAM1 JAM2 JAM3 JAM4 JAM5 HP SUM1 SUM2 SUM3 SUM4 FEN1 FEN2 PG1 PG2 NCLAY1 NCLAY2 SCLAY GR H01 H02 H03 H04 H05 H06 H07 H08 H09 H10 H11 H12 H13 H14 H15 H16 H17 H18 H19A H19B H20A H20B H21 H22 H23 H24 H25 H26 H27

Produced by North Caroline General Assembly, Information Systems Division, June 1, 2011.

House Bill 66 – Rep. LaRoque



Highways w/Limited Access
US Highways
NC Highways
Roads
Municipalities
CDPs
County
Voter Tabulation Districts

District
1
2
3
4
5

0 0.5 1 2 3 4
Miles

Greene County:

21,362 Total Population
50.79 % White Population
37.28 % Black Populatio
67.9 % Democratic Registered Voters
15.84 % Republican Registered Voters
16.91 % Unaffiliated Registered Voters
44.88 % Male Registered Voters
55.05 % Female Registered Voters

District & Municipality/CDP Labels

Total Population
% Total White Population % Total Black Population
% Democratic Registered Voters % Republican Registered Voters
% Unaffiliated Registered Voters
% Male Registered Voters % Female Registered Voters

Produced by North Carolina General Assembly, Informa ms Division, June 7, 2011.

Ideal Vrs. Actual Populations Based on 2010 Census Results
Plan_OST_16

District	2010 Pop	Ideal Pop	Ideal +/-	% +/-
1	3,888	4,272	-384	-8.99%
2	4,343	4,272	71	1.66%
3	3,878	4,272	-394	-9.22%
4	4,681	4,272	409	9.57%
5	4,572	4,272	300	7.02%

Stat. Pack Report of Total Population by Race and Ethnicity
Plan_OST_16

Data Source: 2010 Census

Total Population by Race																		Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	Total % Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	3,888	1,441	37.06%	2,037	52.39%	24	0.62%	23	0.59%	312	8.02%	51	1.31%	34	0.87%	2,071	53.27%	430	11.06%	3,458	88.94%	1,364	35.08%
2	4,343	2,736	63.00%	1,132	26.06%	17	0.39%	14	0.32%	359	8.27%	85	1.96%	41	0.94%	1,173	27.01%	606	13.95%	3,737	86.05%	2,543	58.55%
3	3,878	1,954	50.39%	1,193	30.76%	37	0.95%	9	0.23%	631	16.27%	54	1.39%	16	0.41%	1,209	31.18%	980	25.27%	2,898	74.73%	1,677	43.24%
4	4,681	2,506	53.54%	1,741	37.19%	45	0.96%	15	0.32%	311	6.64%	63	1.35%	38	0.81%	1,779	38.00%	437	9.34%	4,244	90.66%	2,412	51.53%
5	4,572	2,213	48.40%	1,861	40.70%	31	0.68%	17	0.37%	389	8.51%	61	1.33%	30	0.66%	1,891	41.36%	601	13.15%	3,971	86.85%	2,042	44.66%
Totals:	**21,362**	**10,850**	**50.79%**	**7,964**	**37.28%**	**154**	**0.72%**	**78**	**0.37%**	**2,002**	**9.37%**	**314**	**1.47%**	**159**	**0.74%**	**8,123**	**38.03%**	**3,054**	**14.30%**	**18,308**	**85.70%**	**10,038**	**46.99%**

A=Asian NA=American Indian and Alaskan Native PI=Native Hawaiian and other Pacific Islander
MR=Multi-Race Hisp=Hispanic or Latino (of any race)

2

Voting Age Population by Race																		Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	% Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	2,856	1,171	41.00%	1,456	50.98%	13	0.46%	13	0.46%	181	6.34%	22	0.77%	10	0.35%	1,466	51.33%	247	8.65%	2,609	91.35%	1,128	39.50%
2	3,221	2,162	67.12%	789	24.50%	12	0.37%	10	0.31%	211	6.55%	37	1.15%	12	0.37%	801	24.87%	348	10.80%	2,873	89.20%	2,051	63.68%
3	2,799	1,515	54.13%	878	31.37%	22	0.79%	8	0.29%	355	12.68%	21	0.75%	4	0.14%	882	31.51%	537	19.19%	2,262	80.81%	1,361	48.62%
4	3,830	2,103	54.91%	1,435	37.47%	42	1.10%	12	0.31%	189	4.93%	49	1.28%	28	0.73%	1,463	38.20%	286	7.47%	3,544	92.53%	2,032	53.05%
5	3,704	1,865	50.35%	1,521	41.06%	28	0.76%	14	0.38%	248	6.70%	28	0.76%	9	0.24%	1,530	41.31%	409	11.04%	3,295	88.96%	1,728	46.65%
Totals:	**16,410**	**8,816**	**53.72%**	**6,079**	**37.04%**	**117**	**0.71%**	**57**	**0.35%**	**1,184**	**7.22%**	**157**	**0.96%**	**63**	**0.38%**	**6,142**	**37.43%**	**1,827**	**11.13%**	**14,583**	**88.87%**	**8,300**	**50.58%**

A=Asian NA=American Indian and Alaskan Native PI=Native Hawaiian and other Pacific Islander
MR=Multi-Race Hisp=Hispanic or Latino (of any race)

		Registration by Party																Registration by Race Without Regard to Party			
			Racial %s among D's					Racial %s among R's					Racial %s among U's								
District	VR Total	% D	White % of D	Black % of D	NA % of D	Other % of D	% R	White % of R	Black % of R	NA % of R	Other % of R	% U	White % of U	Black % of U	NA % of U	Other % of U	% L	% White	% Black	% NA	% Other
1	2,383	69.28%	44.16%	54.75%	0.12%	0.97%	13.93%	89.16%	8.13%	0.30%	2.41%	16.74%	75.69%	20.55%	0.25%	3.51%	0.04%	55.69%	42.55%	0.17%	1.59%
2	2,378	66.48%	50.54%	47.50%	0.06%	1.90%	16.86%	92.77%	4.99%	0.25%	2.00%	16.61%	79.75%	15.19%	0.25%	4.81%	0.04%	62.53%	34.95%	0.13%	2.40%
3	1,894	66.37%	44.31%	53.30%	0.08%	2.31%	17.63%	89.22%	8.08%	0.30%	2.40%	15.79%	78.93%	16.05%	0.33%	4.68%	0.21%	57.71%	39.39%	0.16%	2.75%
4	2,364	68.61%	52.34%	47.23%	0.06%	0.37%	15.19%	93.59%	3.90%	0.28%	2.23%	16.12%	83.20%	14.70%	0.00%	2.10%	0.08%	63.62%	35.36%	0.08%	0.93%
5	1,791	68.62%	49.39%	48.90%	0.16%	1.55%	15.97%	91.26%	5.94%	0.00%	2.80%	15.41%	77.90%	17.75%	0.36%	3.99%	0.00%	60.47%	37.24%	0.17%	2.12%
Totals:	10,810	67.90%	48.24%	50.30%	0.10%	1.36%	15.84%	91.30%	6.13%	0.23%	2.34%	16.19%	79.14%	16.86%	0.23%	3.77%	0.07%	60.07%	37.87%	0.14%	1.91%

D=Democratic, R=Republican, U=Unaffiliated, L=Libertarian, NA= American Indian.
Voters who do not designate a race are omitted from this chart, so the percentages may not add up to 100%

	Voter Registration by Gender							Voter Registration by Age									Voter Registration by Ethnicity						
District	Total	Male	Male %	Female	Female %	Undes.		Total	18-25	18-25 %	26-40	26-40 %	41-65	41-65 %	66+	66+ %	Total	Hispanic	Hisp %	Non-Hisp	Non H %	Undesign.	Undes. %
1	2,322	1,029	44.32%	1,290	55.56%	3	0.13%	2,356	277	11.93%	537	23.13%	1,068	45.99%	474	20.41%	2,327	24	1.03%	2,017	86.68%	286	12.29%
2	2,388	1,110	46.48%	1,276	53.43%	2	0.08%	2,385	248	10.39%	564	23.62%	1,160	48.58%	413	17.29%	2,391	29	1.21%	2,112	88.33%	250	10.46%
3	1,894	856	45.20%	1,038	54.80%	0	0.00%	1,894	221	11.67%	390	20.59%	912	48.15%	371	19.59%	1,894	39	2.06%	1,656	87.43%	199	10.51%
4	2,438	1,095	44.91%	1,342	55.05%	1	0.04%	2,397	233	9.56%	548	22.48%	1,154	47.33%	462	18.95%	2,427	10	0.41%	2,149	88.55%	268	11.04%
5	1,768	762	43.10%	1,005	56.84%	1	0.06%	1,778	189	10.69%	397	22.45%	837	47.34%	355	20.08%	1,771	19	1.07%	1,554	87.75%	198	11.18%
Totals:	**10,810**	**4,852**	**44.88%**	**5,951**	**55.05%**	**7**	**0.06%**	**10,810**	**1,168**	**10.80%**	**2,436**	**22.53%**	**5,131**	**47.47%**	**2,075**	**19.20%**	**10,810**	**121**	**1.12%**	**9,488**	**87.77%**	**1,201**	**11.11%**

Please note that if a district splits VTDs, there may be differences in the totals Reflected at the district level, due to the mechanics of the process by which VTD-Level values are allocated down to the census block level

	2004 Auditor Campbell-Merritt				2004 Governor Easley-Ballantine-Howe						2004 President Kerry-Bush-Badnarik								2004 US Senate Bowles-Burr-Bailey							
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %
1	541	59.06%	375	40.94%	575	60.21%	373	39.06%	7	0.73%	431	45.23%	519	54.46%	3	0.31%	0	0.00%	489	50.78%	464	48.18%	10	1.04%	0	0.00%
2	486	51.54%	457	48.46%	580	56.64%	435	42.48%	9	0.88%	358	34.72%	673	65.28%	0	0.00%	0	0.00%	425	41.38%	594	57.84%	8	0.78%	0	0.00%
3	489	60.07%	325	39.93%	545	62.57%	322	36.97%	4	0.46%	395	45.45%	473	54.43%	1	0.12%	0	0.00%	463	52.85%	412	47.03%	1	0.11%	0	0.00%
4	506	51.63%	474	48.37%	583	56.17%	448	43.16%	7	0.67%	406	39.04%	632	60.77%	2	0.19%	0	0.00%	455	43.88%	571	55.06%	11	1.06%	0	0.00%
5	420	51.85%	390	48.15%	448	53.02%	383	45.33%	14	1.66%	367	43.28%	480	56.60%	1	0.12%	0	0.00%	391	46.05%	449	52.89%	9	1.06%	0	0.00%
Totals:	2,442	54.72%	2,021	45.28%	2,731	57.70%	1,961	41.43%	41	0.87%	1,957	41.28%	2,777	58.57%	7	0.15%	0	0.00%	2,223	46.78%	2,490	52.40%	39	0.82%	0	0.00%

	2008 A. G. Cooper-Crumley				2008 Comm. Ag Ansley-Troxler				2008 Comm. of Labor Donnan-Berry				2008 Lt. Governor Dalton-Pittenger-Rhodes						2008 Governor Perdue-McCrory-Munger					
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Lib	Lib %
1	1,275	73.66%	456	26.34%	948	55.24%	768	44.76%	1,002	59.01%	696	40.99%	1,077	62.11%	625	36.04%	32	1.85%	1,174	66.03%	574	32.28%	30	1.69%
2	1,204	67.83%	571	32.17%	827	47.02%	932	52.98%	879	50.99%	845	49.01%	989	55.41%	768	43.03%	28	1.57%	1,070	59.05%	713	39.35%	29	1.60%
3	965	72.72%	362	27.28%	703	53.83%	603	46.17%	740	57.05%	557	42.95%	804	60.63%	495	37.33%	27	2.04%	849	62.89%	484	35.85%	17	1.26%
4	1,207	69.17%	538	30.83%	825	47.97%	895	52.03%	897	52.46%	813	47.54%	957	54.69%	770	44.00%	23	1.31%	1,092	60.94%	679	37.89%	21	1.17%
5	901	68.26%	419	31.74%	640	48.27%	686	51.73%	689	52.44%	625	47.56%	742	55.79%	568	42.71%	20	1.50%	808	60.21%	515	38.38%	19	1.42%
Totals:	**5,552**	**70.30%**	**2,346**	**29.70%**	**3,943**	**50.38%**	**3,884**	**49.62%**	**4,207**	**54.33%**	**3,536**	**45.67%**	**4,569**	**57.65%**	**3,226**	**40.71%**	**130**	**1.64%**	**4,993**	**61.84%**	**2,965**	**36.72%**	**116**	**1.44%**

	2008 President Obama-McCain-Barr								2008 US Senate Hagan-Dole						2008 Straight Party					
District	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %	Dem	Dem %	Rep	Rep %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib.	Lib%
1	921	52.00%	844	47.66%	4	0.23%	2	0.11%	1,009	57.01%	726	41.02%	35	1.98%	695	74.57%	233	25.00%	4	0.43%
2	778	42.79%	1,032	56.77%	7	0.39%	1	0.06%	910	50.30%	862	47.65%	37	2.05%	593	64.39%	322	34.96%	6	0.65%
3	687	50.55%	667	49.08%	3	0.22%	2	0.15%	765	56.75%	567	42.06%	16	1.19%	509	69.16%	221	30.03%	6	0.82%
4	796	44.15%	997	55.30%	9	0.50%	1	0.06%	908	50.67%	853	47.60%	31	1.73%	576	66.67%	283	32.75%	5	0.58%
5	614	45.41%	732	54.14%	3	0.22%	3	0.22%	689	51.07%	630	46.70%	30	2.22%	480	68.09%	221	31.35%	4	0.57%
Totals:	**3,796**	**46.85%**	**4,272**	**52.72%**	**26**	**0.32%**	**9**	**0.11%**	**4,281**	**53.06%**	**3,638**	**45.09%**	**149**	**1.85%**	**2,853**	**68.61%**	**1,280**	**30.78%**	**25**	**0.60%**

	2010 Straight Party						2010 US Senate Marshall-Burr					
District	Dem	Dem %	Rep	Rep %	Lib.	Lib %	Dem	Dem %	Rep	Rep %	Other	Other %
1	502	71.21%	200	28.37%	3	0.43%	682	51.86%	618	47.00%	15	1.14%
2	418	58.71%	291	40.87%	3	0.42%	540	42.82%	711	56.38%	10	0.79%
3	329	67.56%	157	32.24%	1	0.21%	443	49.28%	442	49.17%	14	1.56%
4	374	68.62%	169	31.01%	2	0.37%	541	45.27%	644	53.89%	10	0.84%
5	312	63.80%	173	35.38%	4	0.82%	407	43.91%	499	53.83%	21	2.27%
Totals:	**1,935**	**65.86%**	**990**	**33.70%**	**13**	**0.44%**	**2,613**	**46.69%**	**2,914**	**52.06%**	**70**	**1.25%**

Stat. Pack Report of Total Population by Race and Ethnicity
Plan_0_TC_5

Total Population by Race																	Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	Total % Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	82,246	29,972	36.44%	38,950	47.36%	610	0.74%	5,295	6.44%	5,113	6.22%	2,306	2.80%	1,492	1.81%	40,442	49.17%	9,294	11.30%	72,952	88.70%	26,731	32.50%
2	81,685	52,379	64.12%	18,378	22.50%	451	0.55%	4,884	5.98%	3,628	4.44%	1,965	2.41%	1,052	1.29%	19,430	23.79%	7,203	8.82%	74,482	91.18%	49,473	60.57%
3	80,225	63,759	79.48%	11,029	13.75%	234	0.29%	2,341	2.92%	1,337	1.67%	1,525	1.90%	750	0.93%	11,779	14.68%	3,431	4.28%	76,794	95.72%	61,922	77.19%
4	80,592	59,895	74.32%	14,677	18.21%	460	0.57%	1,914	2.37%	2,089	2.59%	1,557	1.93%	848	1.05%	15,525	19.26%	4,196	5.21%	76,396	94.79%	58,228	72.25%
5	83,261	15,495	18.61%	58,771	70.59%	528	0.63%	2,508	3.01%	3,829	4.60%	2,130	2.56%	1,560	1.87%	60,331	72.46%	6,818	8.19%	76,443	91.81%	13,559	16.28%
6	80,397	57,025	70.93%	17,094	21.26%	311	0.39%	2,469	3.07%	1,679	2.09%	1,819	2.26%	1,076	1.34%	18,170	22.60%	3,884	4.83%	76,513	95.17%	55,315	68.80%
Totals:	**488,406**	**278,525**	**57.03%**	**158,899**	**32.53%**	**2,594**	**0.53%**	**19,411**	**3.97%**	**17,675**	**3.62%**	**11,302**	**2.31%**	**6,778**	**1.39%**	**165,677**	**33.92%**	**34,826**	**7.13%**	**453,580**	**92.87%**	**265,228**	**54.30%**

A=Asian NA=American Indian and Alaskan Native PI=Native Hawaiian and other Pacific Islan
MR=Multi-Race Hisp=Hispanic or Latino (of any race)

Voting Age Population by Race																	Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	% Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	61,692	24,777	40.16%	28,383	46.01%	432	0.70%	3,798	6.16%	3,206	5.20%	1,096	1.78%	617	1.00%	29,000	47.01%	5,799	9.40%	55,893	90.60%	22,713	36.82%
2	62,067	42,074	67.79%	13,078	21.07%	343	0.55%	3,370	5.43%	2,268	3.65%	934	1.50%	424	0.68%	13,502	21.75%	4,498	7.25%	57,569	92.75%	40,234	64.82%
3	60,135	48,833	81.21%	8,005	13.31%	151	0.25%	1,631	2.71%	829	1.38%	686	1.14%	290	0.48%	8,295	13.79%	2,136	3.55%	57,999	96.45%	47,674	79.28%
4	62,061	47,908	77.20%	10,544	16.99%	340	0.55%	1,343	2.16%	1,214	1.96%	712	1.15%	301	0.49%	10,845	17.47%	2,451	3.95%	59,610	96.05%	46,912	75.59%
5	62,379	12,919	20.71%	43,849	70.29%	393	0.63%	1,689	2.71%	2,358	3.78%	1,171	1.88%	816	1.31%	44,665	71.60%	4,129	6.62%	58,250	93.38%	11,748	18.83%
6	65,589	48,343	73.71%	12,989	19.80%	230	0.35%	1,867	2.85%	1,126	1.72%	1,034	1.58%	557	0.85%	13,546	20.65%	2,661	4.06%	62,928	95.94%	47,101	71.81%
Totals:	**373,923**	**224,854**	**60.13%**	**116,848**	**31.25%**	**1,889**	**0.51%**	**13,698**	**3.66%**	**11,001**	**2.94%**	**5,633**	**1.51%**	**3,005**	**0.80%**	**119,853**	**32.05%**	**21,674**	**5.80%**	**352,249**	**94.20%**	**216,382**	**57.87%**

A=Asian NA=American Indian and Alaskan Native PI=Native Hawaiian and other Pacific Islander
MR=Multi-Race Hisp=Hispanic or Latino (of any race)

		Registration by Party																Registration by Race Without Regard to Party			
			Racial %s among D's					Racial %s among R's					Racial %s among U's								
District	VR Total	% D	White % of D	Black % of D	NA % of D	Other % of D	% R	White % of R	Black % of R	NA % of R	Other % of R	% U	White % of U	Black % of U	NA % of U	Other % of U	% L	% White	% Black	% NA	% Other
1	51,870	60.58%	22.28%	72.26%	0.43%	5.03%	19.32%	87.32%	6.67%	0.40%	5.62%	19.99%	56.58%	30.73%	0.54%	12.15%	0.11%	41.76%	51.23%	0.45%	6.57%
2	55,582	39.31%	52.39%	41.85%	0.27%	5.49%	37.37%	96.01%	1.42%	0.17%	2.40%	23.17%	78.12%	12.52%	0.31%	9.05%	0.15%	74.71%	19.88%	0.24%	5.16%
3	59,386	35.79%	65.89%	29.44%	0.16%	4.51%	39.92%	97.10%	0.80%	0.10%	2.00%	24.15%	84.69%	8.03%	0.20%	7.08%	0.15%	82.92%	12.80%	0.14%	4.14%
4	57,972	37.95%	57.97%	38.00%	0.33%	3.70%	40.26%	97.23%	1.15%	0.17%	1.45%	21.64%	84.49%	9.28%	0.35%	5.88%	0.15%	79.56%	16.91%	0.27%	3.27%
5	59,086	75.98%	10.36%	86.51%	0.27%	2.86%	8.58%	74.09%	20.13%	0.53%	5.25%	15.36%	31.96%	58.71%	0.45%	8.88%	0.08%	19.17%	76.52%	0.32%	4.00%
6	65,091	47.61%	64.47%	31.20%	0.20%	4.14%	28.15%	96.28%	1.70%	0.11%	1.90%	24.04%	80.71%	11.85%	0.24%	7.21%	0.20%	77.37%	18.19%	0.18%	4.25%
Totals:	348,987	49.40%	40.50%	55.09%	0.28%	4.13%	29.01%	94.64%	2.72%	0.18%	2.46%	21.45%	72.41%	19.10%	0.33%	8.17%	0.14%	63.11%	32.12%	0.26%	4.52%

D=Democratic, R=Republican, U=Unaffiliated, L=Libertarian, NA= American Indian.
Voters who do not designate a race are omitted from this chart, so the percentages may not add up to 100%

	Voter Registration by Gender							Voter Registration by Age									Voter Registration by Ethnicity						
District	Total	Male	Male %	Female	Female %	Undes..		Total	18-25	18-25 %	26-40	26-40 %	41-65	41-65 %	66+	66+ %	Total	Hispanic	Hisp %	Non-Hisp	Non H %	Undesign.	Undes. %
1	51,722	22,239	43.00%	29,352	56.75%	131	0.25%	51,744	6,387	12.35%	15,662	30.28%	22,008	42.55%	7,687	14.86%	51,727	723	1.40%	43,650	84.39%	7,354	14.22%
2	55,730	24,965	44.80%	30,663	55.02%	102	0.18%	55,708	5,219	9.36%	15,185	27.25%	25,240	45.29%	10,064	18.06%	55,725	799	1.43%	49,312	88.49%	5,614	10.07%
3	59,386	27,122	45.67%	32,173	54.18%	91	0.15%	59,386	6,025	10.15%	14,356	24.17%	29,515	49.70%	9,490	15.98%	59,386	551	0.93%	54,168	91.21%	4,667	7.86%
4	57,972	26,877	46.36%	30,994	53.46%	101	0.17%	57,972	5,105	8.81%	13,659	23.56%	27,954	48.22%	11,254	19.41%	57,972	447	0.77%	52,685	90.88%	4,840	8.35%
5	59,086	24,450	41.38%	34,485	58.36%	151	0.26%	59,086	11,656	19.73%	16,427	27.80%	21,965	37.17%	9,038	15.30%	59,086	516	0.87%	48,387	81.89%	10,183	17.23%
6	65,091	28,674	44.05%	36,279	55.74%	138	0.21%	65,091	9,500	14.59%	18,427	28.31%	25,216	38.74%	11,948	18.36%	65,091	504	0.77%	57,483	88.31%	7,104	10.91%
Totals:	**348,987**	**154,327**	**44.22%**	**193,946**	**55.57%**	**714**	**0.20%**	**348,987**	**43,892**	**12.58%**	**93,716**	**26.85%**	**151,898**	**43.53%**	**59,481**	**17.04%**	**348,987**	**3,540**	**1.01%**	**305,685**	**87.59%**	**39,762**	**11.39%**

Please note that if a district splits VTDs, there may be differences in the totals reflected at the district level, due to the mechanics of the process by which VTD-level values are allocated down to the census block level.

	2004 Auditor Campbell-Merritt				2004 Governor Easley-Ballantine-Howe						2004 President Kerry-Bush-Badnarik-Cobb-Nader-Brown								2004 US Senate Bowles-Burr-Bailey-Rucker							
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %
1	11,683	68.86%	5,283	31.14%	12,931	73.12%	4,427	25.03%	326	1.84%	11,598	65.45%	6,057	34.18%	65	0.37%	0	0.00%	12,079	68.20%	5,373	30.34%	258	1.46%	0	0.00%
2	7,579	42.19%	10,385	57.81%	9,948	52.06%	8,792	46.01%	367	1.92%	7,368	38.46%	11,697	61.05%	95	0.50%	0	0.00%	8,093	42.30%	10,759	56.23%	281	1.47%	0	0.00%
3	7,828	41.78%	10,906	58.22%	10,623	52.70%	9,166	45.47%	368	1.83%	7,781	38.30%	12,426	61.16%	109	0.54%	0	0.00%	8,498	42.04%	11,421	56.50%	296	1.46%	0	0.00%
4	7,510	37.15%	12,703	62.85%	10,362	48.04%	10,819	50.16%	388	1.80%	6,815	31.53%	14,688	67.95%	112	0.52%	0	0.00%	7,820	36.28%	13,387	62.10%	350	1.62%	0	0.00%
5	15,685	86.04%	2,545	13.96%	16,069	86.05%	2,345	12.56%	261	1.40%	15,480	82.52%	3,179	16.95%	99	0.53%	0	0.00%	15,894	85.09%	2,595	13.89%	190	1.02%	0	0.00%
6	12,098	57.55%	8,923	42.45%	14,496	63.97%	7,626	33.65%	538	2.37%	12,505	54.71%	10,221	44.72%	131	0.57%	0	0.00%	13,134	57.75%	9,211	40.50%	398	1.75%	0	0.00%
Totals:	**62,383**	**55.14%**	**50,745**	**44.86%**	**74,429**	**62.10%**	**43,175**	**36.02%**	**2,248**	**1.88%**	**61,547**	**51.11%**	**58,268**	**48.38%**	**611**	**0.51%**	**0**	**0.00%**	**65,518**	**54.58%**	**52,746**	**43.94%**	**1,773**	**1.48%**	**0**	**0.00%**

	2008 A. G. Cooper-Crumley				2008 Comm. Ag Ansley-Troxler				2008 Comm. of Lab Donnan-Berry				2008 Governor Perdue-McCrory-Munger						2008 President Obama-McCain-Barr-Wrt. In						2008 US Senate Hagan-Dole						2008 Straight Party					
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Other	Other %	Dem	Dem %	Rep	Rep %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib.	Lib%
1	25,756	77.59%	7,439	22.41%	23,148	70.32%	9,772	29.68%	23,568	71.89%	9,215	28.11%	24,611	72.89%	8,311	24.61%	842	2.49%	25,545	74.48%	8,533	24.88%	218	0.64%	25,539	75.49%	7,567	22.37%	726	2.15%	18,857	80.63%	4,407	18.84%	122	0.52%
2	20,271	56.07%	15,883	43.93%	15,067	42.26%	20,582	57.74%	15,818	44.72%	19,557	55.28%	17,601	47.57%	18,259	49.35%	1,138	3.08%	17,789	47.66%	19,198	51.43%	340	0.91%	19,038	51.43%	16,868	45.57%	1,109	3.00%	10,909	52.09%	9,881	47.18%	154	0.74%
3	22,397	52.89%	19,952	47.11%	14,761	35.20%	27,178	64.80%	16,639	40.35%	24,602	59.65%	19,003	43.69%	22,964	52.80%	1,526	3.51%	19,774	44.99%	23,772	54.09%	407	0.93%	21,614	49.56%	20,768	47.62%	1,230	2.82%	10,116	45.54%	11,907	53.60%	192	0.86%
4	21,159	52.26%	19,326	47.74%	13,430	33.30%	26,900	66.70%	15,060	38.07%	24,500	61.93%	17,538	42.46%	22,391	54.21%	1,374	3.33%	16,814	40.39%	24,401	58.62%	410	0.98%	18,919	45.75%	21,111	51.05%	1,322	3.20%	9,614	43.85%	12,121	55.28%	191	0.87%
5	33,650	89.69%	3,869	10.31%	32,036	85.65%	5,367	14.35%	32,434	86.96%	4,865	13.04%	33,223	87.57%	4,009	10.57%	705	1.86%	34,525	89.19%	4,048	10.46%	137	0.35%	33,654	88.59%	3,770	9.92%	563	1.48%	27,366	92.80%	2,018	6.84%	104	0.35%
6	29,189	66.92%	14,432	33.08%	21,374	49.78%	21,564	50.22%	23,202	54.65%	19,252	45.35%	24,752	55.20%	18,365	40.95%	1,727	3.85%	27,326	60.19%	17,636	38.85%	436	0.96%	28,919	64.28%	14,955	33.24%	1,113	2.47%	14,942	64.91%	7,868	34.18%	208	0.90%
Totals:	152,422	65.33%	80,901	34.67%	119,816	51.83%	111,363	48.17%	126,721	55.41%	101,991	44.59%	136,728	57.37%	94,299	39.57%	7,312	3.07%	141,773	58.75%	97,588	40.44%	1,948	0.81%	147,683	61.85%	85,039	35.61%	6,063	2.54%	91,804	65.12%	48,202	34.19%	971	0.69%

Stat. Pack Report of 2010 Election Results
Plan_0_TC_5

	2010 Straight Party						2010 US Senate Marshall-Burr-Beitler-Write-In					
District	Dem	Dem %	Rep	Rep %	Lib.	Lib %	Dem	Dem %	Rep	Rep %	Other	Other %
1	6,420	69.41%	2,791	30.17%	39	0.42%	11,084	66.15%	5,394	32.19%	277	1.65%
2	3,685	37.68%	6,048	61.84%	47	0.48%	7,512	35.97%	12,903	61.78%	471	2.26%
3	4,499	34.54%	8,467	65.01%	59	0.45%	9,190	34.29%	17,037	63.57%	575	2.15%
4	4,555	34.09%	8,756	65.53%	50	0.37%	8,640	33.59%	16,574	64.43%	509	1.98%
5	11,281	88.90%	1,360	10.72%	49	0.39%	16,417	85.24%	2,663	13.83%	180	0.93%
6	6,006	52.58%	5,369	47.01%	47	0.41%	12,298	47.49%	13,015	50.25%	585	2.26%
Totals:	**36,446**	**52.42%**	**32,791**	**47.16%**	**291**	**0.42%**	**65,141**	**48.14%**	**67,586**	**49.94%**	**2,597**	**1.92%**

HOUSE BILL 628

Short Title:	Development Ready Jobs Study.	(Public)
Sponsors:	Representatives Jeffus and Faircloth (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Finance.	

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY POLICIES AND INCENTIVES THAT CAN BE ESTABLISHED TO STIMULATE THE CREATION OF DEVELOPMENT READY SITES TO AID IN JOB RECRUITMENT AND RETENTION EFFORTS.

The General Assembly of North Carolina enacts:

SECTION 1. Study. – The Revenue Laws Study Committee shall study the issue of enacting incentives, similar to tools for farmland preservation, brownfields redevelopment, historic preservation, and land conservation, to stimulate the creation of "development ready" sites. The study shall include (i) discussion of property tax relief that maintains tax assessment values at agricultural value for "development ready" sites where horizontal infrastructure has been put in place so as to make a site ready for building design and (ii) discussion of income tax deductions or income tax credits for land preservation through land banking, purchase of options, or purchase of development rights; redevelopment of obsolete industrial buildings or areas; rezoning to appropriate zoning classifications; and infrastructure improvements to make sites "development ready." The Committee shall make a report on this issue, including any recommendations or legislative proposals, to the 2012 Regular Session of the 2011 General Assembly upon its convening.

SECTION 2. In conducting the study described in Section 1 of this act, 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 18 members and may include no less than five members of the House of Representatives appointed by the Speaker of the House, no less than five members of the Senate appointed by the President Pro Tempore of the Senate, and individuals who are not members of the Committee or of the General Assembly, eight of whom represent the following interests:

(1) Piedmont Triad Partnership.
(2) North Carolina Economic Developers Association.
(3) Triad Real Estate & Building Industry Coalition.
(4) North Carolina Association of Realtors.
(5) NAIOP.
(6) North Carolina Association of County Commissioners.
(7) The North Carolina League of Municipalities.
(8) The North Carolina Tax Collectors Association.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 757
PROPOSED COMMITTEE SUBSTITUTE H757-PCS11224-TH-7

Short Title: Study Consolidation of DV Commission/CFW. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CONSOLIDATION OF THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission may study the issues involved in consolidating the North Carolina Council for Women and the Domestic Violence Commission into one commission to improve services to victims of domestic violence and sexual assault and services to displaced homemakers. If the Legislative Research Commission determines that consolidating the North Carolina Council for Women and the Domestic Violence Commission into one commission would improve services to domestic violence and sexual assault victims and to displaced homemakers, then the Legislative Research Commission may further consider the composition and duties of the new consolidated commission and the statutory changes necessary to achieve consolidation.

SECTION 2. In its study, the Legislative Research Commission may consider the matters contained in the First Edition of House Bill 757 of the 2011 Regular Session of the General Assembly, including whether to consolidate funds for domestic violence, sexual assault, and displaced homemakers and authorize the board of county commissioners in each county to use the funds to make quarterly grants to any of the following:

(1) A center for victims of domestic violence.
(2) A center for victims of sexual assault or rape crisis.
(3) A center for displaced homemakers.
(4) A center providing any combination of services as described in subdivisions (1) through (3) of this section.

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

HOUSE BILL 467:
Guilford County Comm. Districts

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 7, 2011
Introduced by:	Rep. Blust	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition H467-CSTC-21		

SUMMARY: The PCS for HB 467 would establish a 9 member Board of Commissioners for Guilford County, and would create election districts for the six members of the board elected by district.

CURRENT LAW: S.L. 1991-136 established an 11 member Board of Commissioners for Guilford County. The members are elected on a partisan basis to four year terms of office in staggered elections held in even years. Nine members are elected respectively from one of nine single-member districts by the voters of that district, and two members are elected at-large by the entire County of Guilford.

BILL ANALYSIS: The PCS for HB 467 would repeal the current structure for the Guilford County Board of Commissioners, and would create a nine member board, effective December 2012.

- Six members would each be elected from one of six single-member districts by the voters of that district.
- Two members would be elected at-large by the entire County of Guilford.
- The chair of the board would be elected at-large by the entire County of Guilford.

The members would still be elected on a partisan basis to four year terms of office in staggered elections held in even years. In 2012, members for Districts 1, 4, and 6, and the chair of the board would be elected. In 2014, members for Districts 2, 3, and 5, and the two at-large members would be elected.

Section 2 (d) would create six districts as illustrated by the attached maps.

Section 3 would authorize the Guilford County Commissioners to revise districts following the return of the 2020 census and each census thereafter.

Section 4 would direct the Guilford County Commissioners to submit the changes required by the act to the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act.

EFFECTIVE DATE: HB 467 would become effective January 1, 2012, but could not be implemented until the session law receives preclearance under Section 5 of the Voting Rights Act.

H467-SMTC-34(CSTC-21) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 800
PROPOSED COMMITTEE SUBSTITUTE H800-PCS30373-LB-66

Short Title: Preserving the Right to Secret Ballot. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT PROPOSING AN AMENDMENT TO THE NORTH CAROLINA CONSTITUTION SO AS TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article I of the North Carolina Constitution is amended by adding a new section to read:

"**Sec. 38. Secret ballot on employee representation by a labor organization.**

The fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

A constitutional amendment providing that the fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The amendment becomes effective upon certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 467
PROPOSED COMMITTEE SUBSTITUTE H467-CSTC-21 [v.9]

6/7/2011 3:34:42 PM

Short Title: Guilford Board of Cty Comm. Districts. (Local)

Sponsors:

Referred to:

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTRUCTURE THE GUILFORD COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136, Session Laws of 1991, as reenacted by Section 1 of Chapter 521, Session Laws of 1993, is repealed.

SECTION 2.(a). Effective on the first Monday of December 2012, the Board of Commissioners of Guilford County shall consist of nine members. The members shall be elected on a partisan basis at the time of the regular county primary and general elections. One member shall be elected from each of six single-member districts established under subsection (d) of this section. Two members shall be elected at large from within the entirety of Guilford County. The chair of the board shall be elected at large from within the entirety of Guilford County.

SECTION 2.(b). In 2012 and quadrennially thereafter, members for Districts 1, 4 and 6, and the chair of the board shall be elected for four-year terms. In 2014 and quadrennially thereafter, members for Districts 2, 3, and 5, and two at-large members shall be elected for four-year terms.

SECTION 2.(c). The qualified voters of each district shall elect the member of the board for that district. Candidates must reside in the district for which they seek to be elected.

SECTION 2.(d). The districts are as follows:

District 1: Guilford County: VTD: FR1, VTD: FR2, VTD: G50, VTD: G51, VTD: G54, VTD: G55, VTD: G56, VTD: G57, VTD: G58, VTD: G59, VTD: G60, VTD: G61, VTD: G62, VTD: G66, VTD: H05, VTD: H07, VTD: H08, VTD: H09, VTD: H10, VTD: H11, VTD: H18, VTD: H19A, VTD: H19B, VTD: HP: Block(s) 0810163061002, 0810163061003, 0810163061004, 0810163061006, 0810163061007, 0810163061008, 0810163061009, 0810163061010, 0810163061011, 0810163061012, 0810163061013, 0810163061014, 0810163061015, 0810163061016, 0810163061017, 0810163061018, 0810163061019, 0810163061020, 0810163061022, 0810163061023, 0810163061024, 0810163061025, 0810163061026, 0810163061027, 0810163061028, 0810163061029, 0810163061030, 0810163061031, 0810163061032, 0810163061033, 0810163061034, 0810163061035, 0810163061037, 0810163061038, 0810163061040, 0810163061042, 0810163061043, 0810163061046, 0810163061047, 0810163061048, 0810163061049, 0810163061050, 0810163061054, 0810163061055, 0810163061056, 0810163061057, 0810163061058,

0810163061059, 0810163061060, 0810163061061, 0810163061062, 0810163061063, 0810163061064, 0810163061065, 0810163061066, 0810163061067, 0810163061068, 0810163061069, 0810163061070, 0810163061071, 0810163061072, 0810163061073, 0810163061074, 0810163061075, 0810163061076, 0810163061077, 0810163061078, 0810163061079, 0810163061080, 0810163061081, 0810163061082, 0810163061083, 0810163061084, 0810163061085, 0810163061086, 0810163061087, 0810163061088, 0810163061089, 0810163061090, 0810163061091, 0810163061092, 0810163061093, 0810163061094, 0810163061095, 0810163061097, 0810163061098, 0810164061076, 0810164061092, 0810164071000, 0810164071001, 0810164071002, 0810164071003, 0810164071004, 0810164071005, 0810164071006, 0810164071007, 0810164071008, 0810164071009, 0810164071010, 0810164071011, 0810164071012, 0810164071013, 0810164071014, 0810164071015, 0810164071016, 0810164071017, 0810164071018, 0810164071019, 0810164071020, 0810164071021, 0810164071022, 0810164071023, 0810164071024, 0810164071025, 0810164071026, 0810164071027, 0810164071028, 0810164071029, 0810164071030, 0810164071031, 0810164071032, 0810164071033, 0810164071034, 0810164071035, 0810164071036, 0810164071037, 0810164071038, 0810164071039, 0810164071040, 0810164071041, 0810164071046, 0810164071047, 0810164071048, 0810164071049, 0810164071050, 0810164071051, 0810164071052, 0810164071053, 0810164071054, 0810164071055, 0810164071056, 0810164071057, 0810164071059, 0810164071060, 0810164071061, 0810164081010, 0810164081044, 0810164081045, 0810164081046, 0810164081047, 0810164091028, 0810164091068, 0810164091069, 0810164091070, 0810164091071, 0810164091072, 0810164091073, 0810164091074, 0810164091075, 0810164091076, 0810164091077, 0810164091078, 0810164091079, 0810164091080, 0810164091081, 0810164091082, 0810164091083, 0810164091084, 0810164091085, 0810164091086, 0810164091087, 0810164091088, 0810164091089.

District 2: Guilford County: VTD: FR4, VTD: FR5, VTD: G43, VTD: G64, VTD: H01, VTD: H02, VTD: H03, VTD: H04, VTD: H12, VTD: H13, VTD: H14, VTD: H15, VTD: H16, VTD: H17, VTD: H20A, VTD: H20B, VTD: H21, VTD: H22, VTD: H23, VTD: H24, VTD: H25, VTD: H26, VTD: H27, VTD: HP: Block(s) 0810162041037, 0810162041038, 0810162041040, 0810162041041, 0810164051025, 0810164051027, 0810164051028, 0810164051029, 0810164051033, 0810164051034, 0810164051035, 0810164051036, 0810164051037, 0810164051039, 0810164051054, 0810164051064, 0810164061002, 0810164061003, 0810164061004, 0810164061005, 0810164061006, 0810164061007, 0810164061008, 0810164061009, 0810164061010, 0810164061011, 0810164061012, 0810164061013, 0810164061014, 0810164061015, 0810164061016, 0810164061017, 0810164061018, 0810164061019, 0810164061020, 0810164061021, 0810164061022, 0810164061023, 0810164061024, 0810164061025, 0810164061026, 0810164061027, 0810164061028, 0810164061029, 0810164061030, 0810164061031, 0810164061032, 0810164061033, 0810164061034, 0810164061039, 0810164061040, 0810164061041, 0810164061042, 0810164061043, 0810164061044, 0810164061045, 0810164061046, 0810164061047, 0810164061048, 0810164061049, 0810164061050, 0810164061051, 0810164061052, 0810164061053, 0810164061054, 0810164061055, 0810164061056, 0810164061057, 0810164061058, 0810164061059, 0810164061060, 0810164061061, 0810164061062, 0810164061063, 0810164061064, 0810164061065, 0810164061066, 0810164061067, 0810164061068, 0810164061069, 0810164061070, 0810164061071, 0810164061072, 0810164061073, 0810164061074, 0810164061075, 0810164061077, 0810164061078, 0810164061079, 0810164061080, 0810164061081, 0810164061082, 0810164061083, 0810164061084, 0810164061085, 0810164061086, 0810164061087, 0810164061088, 0810164061089, 0810164061090, 0810164061091, 0810164061093,

0810164061094, 0810164061095, 0810164061096, 0810164061097; VTD: NDRI, VTD: SDRI.

District 3: Guilford County: VTD: CG1, VTD: CG2, VTD: CG3A, VTD: CG3B, VTD: FR3, VTD: G27, VTD: G28, VTD: G39, VTD: G40A1, VTD: G40A2, VTD: G40B, VTD: G41, VTD: G42, VTD: MON2, VTD: MON3, VTD: NCGR1, VTD: NCGR2, VTD: OR1, VTD: OR2, VTD: SF1, VTD: SF2, VTD: SF3, VTD: SF4, VTD: STOK.

District 4: Guilford County: VTD: FEN2, VTD: G65, VTD: GIB, VTD: GR, VTD: H06, VTD: JAM1, VTD: JAM2, VTD: JAM3, VTD: JAM4, VTD: JAM5, VTD: JEF1, VTD: JEF2, VTD: JEF4, VTD: NCLAY1, VTD: NCLAY2, VTD: NMAD, VTD: NWASH, VTD: PG1, VTD: PG2, VTD: RC1, VTD: RC2, VTD: SCLAY, VTD: SMAD, VTD: SUM1, VTD: SUM2, VTD: SUM3, VTD: SUM4, VTD: SWASH.

District 5: Guilford County: VTD: FEN1, VTD: G01, VTD: G02, VTD: G03, VTD: G04, VTD: G05, VTD: G06, VTD: G07, VTD: G08, VTD: G10, VTD: G46, VTD: G47, VTD: G52, VTD: G53, VTD: G67, VTD: G68, VTD: G69, VTD: G70, VTD: G71, VTD: G72, VTD: G73, VTD: G74, VTD: G75, VTD: JEF3, VTD: MON1.

District 6: Guilford County: VTD: G09, VTD: G11, VTD: G12, VTD: G13, VTD: G14, VTD: G15, VTD: G16, VTD: G17, VTD: G18, VTD: G19, VTD: G20, VTD: G21, VTD: G22, VTD: G23, VTD: G24, VTD: G25, VTD: G26, VTD: G29, VTD: G30, VTD: G31, VTD: G32, VTD: G33, VTD: G34, VTD: G35, VTD: G36, VTD: G37, VTD: G38, VTD: G44, VTD: G45, VTD: G48, VTD: G49, VTD: G63.

SECTION 3. Following the return of the 2020 Census, and each Census thereafter, the Guilford County Board of Commissioners may revise the election districts.

SECTION 4. The Guilford County Commissioners shall submit the changes required by this act to the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

SECTION 5. This act becomes effective January 1, 2012.

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	5-25-2011	5-31-2011	6-2-2011	06-03-2011	06-07-2011									
Rep. Stephen LaRoque Chair	X		X	X	✓									
Rep. Tim Moore Chair	X	X	X	X	✓									
Rep. Bill Owens Vice Chair	X	X	X	X	✓									
Rep. Johnathan Rhyne Vice Chair	X			X	✓									
Rep. Martha Alexander	X	X	X		✓									
Rep. John Blust	X	X	X		✓									
Rep. Jim Crawford	X				✓									
Rep. Leo Daughtry	X		X	X	✓									
Rep. Bill Faison		X	X		✓									
Rep. Jean Farmer- Butterfield	X		X	X										
Rep. Dale Folwell	X													
Rep. Mitch Gillsepie	X	X		X										
Rep. Joe Hackney	X	X	X	X										
Rep. Dewey Hill	X	X	X	X	✓									
Rep. Mark Hilton	X	X	X	X										
Rep. Maggie Jeffus	X	X	X	X	✓									
Rep. Linda Johnson	X	X	X		✓									
Rep. Paul Luebke	X	X	X	X	✓									
Rep. Danny McComas	X			X	✓									
Rep. Tim Moffitt	X		X	X	✓									
Rep. Earline Parmon	X		X											
Rep. Ruth Samuelson	X		X	X	✓									
Rep. Paul Stam	X		X	X	✓									
Rep. Mike Stone	X	X	X	X	✓									
Kory Goldsmith	X	X	X	X	✓									
Bill Patterson			X	X	✓									
Kelly Quick	X	X	X	X	✓									

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE RULES

DATE: 6-7-11 **Room:** 1425

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

House Sgt-At Arms:

1. **Name:** JAMES WORTH
2. **Name:** JOHN BRANDON
   Name: CHAMP CLARIS
4. **Name:**
5. **Name:**
6. **Name:**

VISITOR REGISTRATION SHEET

RULES — 6-7-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robin Johnson	NCASA
BM Ecoggin	IRS
Allison Waller	Nelson Mullins
Andrew Cagle	NC Sheriffs Assn.
George Everett	Duke Energy
Cathy von Hasseln-Davis	Truthful Journalism
BJ Miller	Core Health
Hugh Tilson	NCHA
DAVID BARNES	
Brent Lane	UNC Center for Competitive Economies

VISITOR REGISTRATION SHEET

RULES — 6-7-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JGOODMAN	NC CHAMBER
Matthew Eisley	Smith Anderson
Emily Grimm	MWC
*Kerri Burke	MWC
[illegible]	Misc Clients
Jaime King	NCEL
Katie Stanley	Dept of Commerce
Donald Ragavage	PFPNC
[illegible]	NCLM
Paul Meyer	NCLM
MaryBe McMillan	NC AFL-CIO

VISITOR REGISTRATION SHEET

RULES — 6-7-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Anders	PFPNC
Rachel O'Brien	PFPNC
Patrick Yancey	LLPP/APPCNC
[illegible]	NC Med Soc.
K. Hawks	Duke
Rob Black	Teamsters
[illegible]	SEANC
[illegible]	DST
David Starling	DST
Paul Sheroan	NCFB
[illegible]	Henry - Raleigh

VISITOR REGISTRATION SHEET

IRULES — 6-7-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JOHN LAWTON	CAI. NC . LAC
Michelle Frazier	MF+S
Betsy Bailey	PENC
BERRY JENKINS	CAROLINAS AGC
Jake Cashion	NC Chamber
Dan Moretz	RALEIGH CHAMBER
David McKowan	NC Realtors
Eddie Caldwell	NC Sheriffs' Assn.
JOHN PETERSON	NCEDA
Philip Isley	NCDOA
Linda Gunderson	NCAE

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 8, 2011

The Committee on Rules, Calendar and Operations of the House met on June 8, 2011 at 1:08 pm in Room 1327 of the Legislative Building. The following members were present: Representative Moore Chair, Representative Rhyne Vice Chair, Representatives Blust, Daughtry, Faison, Gillespie, Hill, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Samuelson, and Stone.

Rep. Tim Moore presided.

The following bills were considered:

HB 437 NH County Commissioners Accountability Act (Representative McComas, Primary Sponsor) Rep. Rhyne was recognized to put a PCS before the committee. Vote was called. Motion passed. Rep. McComas explained the bill. No discussion or debate. Rep. Stone motioned for a favorable report as to the PCS unfavorable to the original. Vote was called. Motion passed.

HB 763 License Plate Agency Contracts. (Representative Lewis, Primary Sponsor) Rep. Blust was recognized to put a PCS before the committee. Vote was called. Motion passed. Staff was recognized to explain the bill. Rep. Johnson proposed an amendment. Vote was called. Amendment was adopted. Public member who was recognized by Chair Moore to speak: Johanna Reese (DOT). Rep. Stone motioned for a favorable report as to the PCS, as amended to be rolled into a new PCS, unfavorable to the original. Vote was called. Motion passed.

Representative Rhyne chaired for Representative Moore.

HB 442 Cornelius Design-Build and Investments. (Representative Moore, Primary Sponsor) Rep. Moffitt was recognized to put a PCS before the committee. Rep. Moore explained the bill. No discussion or debate. Rep. Stone motioned for a favorable report as to the PCS unfavorable to the original. Vote was called. Motion passed.

Chair Moore adjourned at 1:15 pm.

Respectfully submitted:

Rep Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

June 8, 2011, 6:00 PM

1327 LB

Representative Stephen LaRoque Presiding

Remarks:

HB 437	NH County Commissioners Accountability Act.	Representative McComas
HB 442	Cornelius Design-Build and Investments.	Representative Moore

Adjourn

Rules, Calendar, and Operations of the House

Agenda

June 8, 2011, 1:00 PM

1327 LB

Representative Stephen LaRoque Presiding

Remarks:

HB 437	NH County Commissioners Accountability Act.	Representative McComas
HB 442	Cornelius Design-Build and Investments.	Representative Moore
HB 763	License Plate Agency Contracts.	Representative Lewis

Adjourn

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 763
PROPOSED COMMITTEE SUBSTITUTE H763-CSRC-44 [v.1]

6/8/2011 11:40:05 AM

Short Title: License Plate Agency Contracts. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROVIDE TAG SERVICES AT MILITARY BASES.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Program Evaluation Oversight Committee shall include in the 2011-2012 Work Plan for the Program Evaluation Division of the General Assembly a study to evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program, authorized in G.S. 20-63(h), to determine the cost effectiveness and savings that can be effected by changing or maintaining the current operating procedures and to develop any plans or practices that, if implemented, would result in increased operating efficiency of the Division of Motor Vehicles' Commission Contract program.

SECTION 2. The Program Evaluation Division shall submit its findings and recommendations for Section 1 of this act to the Joint Legislative Program Evaluation Oversight Committee, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

SECTION 3. The Commissioner of Motor Vehicles shall not cancel any commission contracts for any reason other than malfeasance, misfeasance, or nonfeasance of the commission contractor until the study required by this act is complete and final recommendations have been acted upon by the Joint Legislative Program Evaluation Oversight Committee.

SECTION 4. G.S. 20-63(h) reads as rewritten:

"(h) Commission Contracts for Issuance of Plates and Certificates. – All registration plates, registration certificates, and certificates of title issued by the Division, outside of those issued from the Charlotte and Raleigh offices of the ~~Division~~ Division, those issued on military bases by the Division, and those issued and handled through the United States mail, shall be issued insofar as practicable and possible through commission contracts entered into by the Division for the issuance of the plates and certificates in localities throughout North Carolina

with persons, firms, corporations or governmental subdivisions of the State of North Carolina. The Division shall make a reasonable effort in every locality, except as noted above, to enter into a commission contract for the issuance of the plates and certificates and a record of these efforts shall be maintained in the Division. In the event the Division is unsuccessful in making commission contracts, it shall issue the plates and certificates through the regular employees of the Division. Whenever registration plates, registration certificates, and certificates of title are issued by the Division through commission contract arrangements, the Division shall provide proper supervision of the distribution. Nothing contained in this subsection will allow or permit the operation of fewer outlets in any county in this State than are now being operated.

Commission contracts entered into by the Division under this subsection shall provide for the payment of compensation on a per transaction basis. The collection of the highway use tax shall be considered a separate transaction for which one dollar and twenty-seven cents ($1.27) compensation shall be paid. The performance at the same time of one or more of the remaining transactions listed in this subsection shall be considered a single transaction for which one dollar and forty-three cents ($1.43) compensation shall be paid.

A transaction is any of the following activities:

(1) Issuance of a registration plate, a registration card issued without collection of property taxes or fees under G.S. 105-330.5, a registration renewal sticker, or a certificate of title.
(2) Issuance of a handicapped placard or handicapped identification card.
(3) Acceptance of an application for a personalized registration plate.
(4) Acceptance of a surrendered registration plate, registration card, or registration renewal sticker, or acceptance of an affidavit stating why a person cannot surrender a registration plate, registration card, or registration renewal sticker.
(5) Cancellation of a title because the vehicle has been junked.
(6) Acceptance of an application for, or issuance of, a refund for a fee or a tax, other than the highway use tax.
(7) Receipt of the civil penalty imposed by G.S. 20-311 for a lapse in financial responsibility or receipt of the restoration fee imposed by that statute.
(8) Acceptance of a notice of failure to maintain financial responsibility for a motor vehicle.
(8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.
(8b) Sale of one or more inspection stickers in a single transaction to a licensed inspection station.
(9) Collection of the highway use tax.
(10) Acceptance of a temporary lien filing."

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

HOUSE BILL 763:
License Plate Agency Contracts

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 8, 2011
Introduced by:	Rep. Lewis	**Prepared by:**	Kory Goldsmith Committee Counsel
Analysis of:	PCS to First Edition H763-CSRC-44		

SUMMARY: ***House Bill 763 directs the Joint Legislative Program Evaluation Oversight Committee (JLPEOC) to include in its 2011-2012 Work Plan a study to evaluate the Division of Motor Vehicles' Commission contract for issuance of plates and certificates program regarding its cost effectiveness and any savings that could be generated by changing or maintaining the current system.***

Section 3 of the bill prohibits the Commissioner from cancelling any commission contract for any reason other than malfeasance, misfeasance, or nonfeasance until such time as the study is complete and the JLPEOC acts upon the final recommendations.

The PCS adds Section 4 to the bill which amends G.S. 20-63(h) to allow the Division to issue tags and registrations on military bases.

[As introduced, this bill was identical to S661, as introduced by Sen. Bingham, which is currently in Rules, Calendar, and Operations of the House.]

CURRENT LAW: G.S. 20-63(h) directs the Commissioner to enter into contracts with third parties for the issuance of plates and certificates in localities throughout North Carolina.

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

BACKGROUND: The Division currently has about 125 commission contracts. Of those, about 80 are "indefinite" contracts, i.e., the contract does not terminate upon a particular date.

H763-SMRC-52(CSRC-44) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 437
PROPOSED COMMITTEE SUBSTITUTE H437-CSST-57 [v.1]

6/7/2011 9:30:28 PM

Short Title: NH County Commissioners Accountability Act. (Local)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT HOLDING THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS ACCOUNTABLE FOR THE WORK OF THE AIRPORT AUTHORITY APPOINTED BY THE COMMISSION OR RECEIVING COUNTY FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. It is the duty of the New Hanover County Board of Commissioners (Board) to provide oversight of, and to be accountable for, the activities of the authorities, boards, committees, and commissions acting under the Board's control or authority. To that end, the Board shall monitor the activities of the Airport Authority in order (i) to evaluate whether continued county funding is warranted in each case, as appropriate, and (ii) to determine whether the Board's appointees are carrying out their respective responsibilities in the best interest of New Hanover County.

SECTION 2. Notwithstanding any provision of law to the contrary, the members of the entities listed in Section 1 of this act who are appointed by the Board serve at the pleasure of the Board and may be removed by the Board immediately at any time upon the majority vote of the members of the Board.

SECTION 3. This act applies to New Hanover County only.

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

HOUSE BILL 442:
Cornelius Design-Build and Investments

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 8, 2011
Introduced by:	Rep. T. Moore	**Prepared by:**	Bill Patterson
Analysis of:	PCS to First Edition		Committee Counsel
	H442-CSTG-32		

SUMMARY: ***House Bill 442 amends the Charter for the Town of Cornelius to allow the use of design-build delivery methods and to specify the Town's investment authority.*** *(The Proposed Committee Substitute deletes references to "finance" in charter Sec. 1.4(a) and adds the last sentence to charter subsection 1.4(b) in Section 1 of the bill, and removes the authority to invest and reinvest fund balance accounts in charter Sec. 7.3 in Section 2. The PCS also provides a sunset of July 1, 2013 for Section 1 of the bill.)*

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes[1] sets out the provisions for the bidding and award of contracts by State and local governments. Such contracts generally are bid separately for each subdivision of work (See Background, below).

G.S. 143-64.31 and 143-64.32 provide for the procurement of architectural, engineering, and surveying services by public subdivisions and local governmental units of the State.

G.S. 159-30 provides guidelines for the investment of idle funds by a local government or public authority.

G.S. 147-69.2(b)(1)-(6) and (8) lists certain funds in which the State Treasurer is allowed to invest.

BILL ANALYSIS: Section 1 of House Bill 442 amends the Charter for the Town of Cornelius (Chapter 288 of the 1971 Session Laws) by adding a new section to Article I. Incorporation and Corporate Powers. Section 1.4 authorizes the Town to contract for design and construction of public projects without being subject to public contract laws, and authorizes the use any combination of design-build, operate or maintain methods. The new section requires the Town to request proposals from at least three design-build teams and requires the Board to award the contract to the best qualified contractor taking into account: completion time; capital, operation, and maintenance cost of the project; the technical merits of the proposal; and other factors set forth in the request for proposal. The Town is required to pay within 45 days after the project has been accepted by the owner, certified as complete, or occupied by the owner and used for the purpose for which it was constructed.

Section 2 of the Bill amends Article VII. Finance and Taxation, to add a new section regarding the Town's investment authority. The new section allows the Town to invest and reinvest any of the Town's restricted or unrestricted capital reserves in one or more of the funds authorized in G.S. 147-69.2(b)(1)-(6) and (8).

EFFECTIVE DATE: House Bill 442 would become effective when it becomes law. Section 1 expires on July 1, 2013.

BACKGROUND: In general, contracts entered into or awarded by the State, local governments, and or ther public bodies require that the bids be prepared to allow for separate and independent bidding for

[1] G.S. 143-128, 143-129, 143-131, 143-132

each subdivision of work, including design stages (architectural and engineering), building stages (heating, ventilating, and air conditioning; plumbing; electrical; and general contracting), and in some cases the operation of the facility. The contracts are normally awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and time specified in the bids for performance of the contract. The advantages of traditional contracting are that it seeks to identify the lowest cost provision of services for government projects, promote accountability, and bring legitimacy to governmental decisions. In certain contracting situations, the General Assembly has authorized exemptions from the competitive bidding requirements, including emergency situations, change order work, guaranteed energy savings contracts, construction management at risk, previously bid or "piggybacking" contracts, use of unit's own permanent work force (force account work), and purchases of goods and services from nonprofit work centers for the blind and severely disabled.[2] The General Assembly has also authorized the limited issuance of design-build contracts for the Board of Transportation, certain local school construction projects, and other specific public construction projects (airports, convention centers, etc.).

Under the design, build, and operate approach, a single contract is awarded for the design, construction, *and operation* of a capital improvement. Advantages to the design/build/operate approach are that it seeks to: create a single point of responsibility for design, construction, and operation; expedite project completion by facilitating the overlap of the design and construction phases of the project; and promote cost efficiencies through economies of scale, time savings, and innovative design.

Teresa Matula, Cindy Avrette and Barbara Riley contributed to this summary.

H442-SMTG-39(CSTG-32) v1

Bluestein, Frayda. *A Legal Guide to Purchasing and Contracting for North Carolina Local Governments.* School of Government, UNC Chapel Hill (2004).

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H442-SMTG-39(CSTG-32) v1

[2] Bluestein, Frayda. *A Legal Guide to Purchasing and Contracting for North Carolina Local Governments.* School of Government, UNC Chapel Hill (2004).

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 437 A BILL TO BE ENTITLED AN ACT HOLDING THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS ACCOUNTABLE FOR THE WORK OF GOVERNMENTAL AND QUASI-GOVERNMENTAL AUTHORITIES, BOARDS, COMMITTEES, AND COMMISSIONS APPOINTED BY THE COMMISSION OR RECEIVING COUNTY FUNDS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT

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By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐Committee Substitute for

HB 763 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

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HOUSE BILL 437

Short Title:	NH County Commissioners Accountability Act.	(Local)
Sponsors:	Representative McComas (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

March 24, 2011

A BILL TO BE ENTITLED

AN ACT HOLDING THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS ACCOUNTABLE FOR THE WORK OF GOVERNMENTAL AND QUASI-GOVERNMENTAL AUTHORITIES, BOARDS, COMMITTEES, AND COMMISSIONS APPOINTED BY THE COMMISSION OR RECEIVING COUNTY FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. It is the duty of the New Hanover County Board of Commissioners (Board) to provide oversight of, and to be accountable for, the activities of the authorities, boards, committees, and commissions acting under the Board's control or authority. To that end, the Board shall monitor the activities of each of the following authorities, boards, committees, or commissions in order (i) to evaluate whether continued county funding is warranted in each case, as appropriate, and (ii) to determine whether the Board's appointees are carrying out their respective responsibilities in the best interest of New Hanover County:

(1) Adult Care Home Community Advisory Committee.
(2) Airlie Gardens Foundation Board of Directors.
(3) Airport Authority.
(4) Alcoholic Beverage Control.
(5) Board of Elections.
(6) Board of Examiners of Electricians.
(7) Board of Fire Commissioners.
(8) Board of Health.
(9) Board of Mechanical Examiners.
(10) Board of Social Services.
(11) Cape Fear Community College Board of Trustees.
(12) Cape Fear Museum Advisory Board.
(13) Cape Fear Public Transportation Authority.
(14) Cape Fear Public Utility Authority.
(15) Commission for Women.
(16) Cooperative Extension Advisory Council.
(17) Criminal Justice Partnership Advisory Board.
(18) Industrial Facilities and Pollution Control Financing Authority.
(19) Inspections Department Advisory Council.
(20) Jury Commission.
(21) Juvenile Crime Prevention Council.

(22) Library Advisory Board.
(23) Lower Cape Fear Water and Sewer Authority.
(24) New Hanover Regional Medical Center Board of Trustees.
(25) Nursing Home Community Advisory Board.
(26) Parks and Recreation Advisory Board.
(27) Planning Board.
(28) Plumbing Board of Examiners.
(29) Port, Waterway & Beach Commission.
(30) Risk Management Advisory Committee.
(31) Solid Waste Advisory Board.
(32) Southeastern Economic Development Commission.
(33) Special Board of Equalization and Review.
(34) Tourism Development Authority.
(35) Youth Empowerment Services Advisory Board.
(36) Zoning Board of Adjustment.
(37) Any other authority, board, committee, or commission created by the New Hanover County Board of Commissioners.

SECTION 2. Notwithstanding any provision of law to the contrary, the members of the entities listed in Section 1 of this act who are appointed by the Board serve at the pleasure of the Board and may be removed by the Board immediately at any time upon the unanimous vote of the members of the Board.

SECTION 3. By December 1, 2011, the New Hanover County Board of Commissioners shall conduct a review of each entity listed in Section 1 of this act to determine (i) whether continued County funding is warranted in each case, as appropriate, and (ii) if the Board's appointees are carrying out their respective responsibilities in the best interest of New Hanover County.

SECTION 4. The Wilmington City Council (Council) is encouraged to review the authorities, boards, committees, and commissions under its control and authority in the same manner as provided in this act for New Hanover County. Upon adoption of a resolution by the Council to conform to the provisions of this act, and to conduct the required review by December 1, 2011, the Council shall have the same powers as the County under this act relative to the authorities, boards, committees, commissions, and other entities under the Council's control or authority; and further, its appointees will be subject to removal as provided by Section 2 of this act.

SECTION 5. The governing board of any other incorporated municipality within New Hanover County that adopts a resolution in the same manner as provided by Section 4 of this act shall likewise have the same powers as the County under this act relative to the authorities, boards, committees, commissions, and other entities under the governing board's control or authority; and further, its appointees will be subject to removal as provided by Section 2 of this act.

SECTION 6. This act applies only to New Hanover County, to the City of Wilmington, and to any other incorporated municipality in New Hanover County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 442

Short Title:	Cornelius Design-Build and Investments.	(Local)
Sponsors:	Representative T. Moore (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF DAVIDSON TO USE DESIGN-BUILD DELIVERY METHODS AND CONCERNING THE TOWN'S INVESTMENT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article I of the Charter of the Town of Cornelius, being Chapter 288 of the 1971 Session Laws, is amended by adding a new section to read:

"Sec. 1.4. **Town may utilize design-build delivery methods.** (a) The Town may contract for the design and construction of public projects without being subject to the requirements of G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32. The authorization includes the use of the following methods: design-build; design-finance; design-build-finance-operate; design-build-finance-operate-maintain; or any combination of design-build, finance, operate, or maintain.

(b) The Town shall request proposals from at least three design-build teams. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, then the Town may proceed with the proposals received. The Board shall award the contract to the best qualified contractor, taking into account the time of completion of the project, the capital and operation and maintenance cost of the project, the technical merits of the proposal, and any other factors and information set forth in the request for proposals that the Town determines to have a material bearing on the ability to evaluate any proposal.

(c) The Town shall not be required to pay within 45 days after the project has been accepted by the owner, certified by the architect, engineer, or designer as being completed in accordance with terms of the plans and specifications, or occupied by the owner and used for the purpose for which the project was constructed, that portion of the project costs that are subject to delayed payments scheduled by the prime contract to occur after the project has been accepted by the owner, certified by the architect, engineer, or designer as being completed in accordance with terms of the plans and specifications, or occupied by the owner and used for the purpose for which the project was constructed."

SECTION 2. Article VII of the Charter of the Town of Cornelius, being Chapter 288 of the 1971 Session Laws, is amended by adding a new section to read:

"Sec. 7.3. **Investment Authority.** In addition to the authority granted in G.S. 159-30, the Town may invest and reinvest any of the Town's restricted or unrestricted fund balance accounts and any capital reserves, as designated from time to time by the Town Board of Commissioners, in one or more of the types of securities or other investments authorized by State law for the State Treasurer in G.S. 147-69.2(b)(1)-(6) and (8)."

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

HOUSE BILL 763

Short Title:	License Plate Agency Contracts.	(Public)
Sponsors:	Representative Lewis (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Program Evaluation Oversight Committee shall include in the 2011-2012 Work Plan for the Program Evaluation Division of the General Assembly a study to evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program, authorized in G.S. 20-63(h), to determine the cost effectiveness and savings that can be effected by changing or maintaining the current operating procedures and to develop any plans or practices that, if implemented, would result in increased operating efficiency of the Division of Motor Vehicles' Commission Contract program.

SECTION 2. The Program Evaluation Division shall submit its findings and recommendations for Section 1 of this act to the Joint Legislative Program Evaluation Oversight Committee, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

SECTION 3. The Commissioner of Motor Vehicles shall not cancel any commission contracts for any reason other than malfeasance, misfeasance, or nonfeasance of the commission contractor until the study required by this act is complete and final recommendations have been acted upon by the Joint Legislative Program Evaluation Oversight Committee.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 763 DATE _____

S. B. No. X Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Johnson
Sen.)

1 moves to amend the bill on page 1, line 22
2 ( ) WHICH CHANGES THE TITLE
3 by inserting the phrase "or amend"
4 after the word "cancel".
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19

SIGNED Linda R. Johnson

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE RULES

DATE: 6-8-11 **Room:** 1228

*Name: Thomas Whitman
County: New Hanover
Sponsor: Representative Iler
*Name: Philip Pate
County: Duplin
Sponsor: Jimmy Dixon
*Name: Ryan Buchanan
ounty: Avery
Sponsor: Phillip Frye
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:

House Sgt-At Arms:

1. Name: LARRY ELLIOTT
2. Name: GARLAND SHEPHERD
. Name:
4. Name:
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

RULES — 6-8-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	LPA's
David Crawford	AIANC
Alex Miller	KLG
Terri Bunce	MWC
Dana Fenton	C of Charlotte
Johanna Reese	DMV
DAN JOHNSTON	LPA Assoc.
Roger Hall	LPA Assoc.
Colleen Kochanek	KLG
Kelli Lucas	NCLM
Brent Troxell	NCACC

VISITOR REGISTRATION SHEET

RULES — 6-8-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David McHowan	NC Realtors
Gabriella Kostrzewa	NSS
Angel Sams	NSS
MICHELLE HEARN	SMITH ANDERSON
Blake Brantley	SEANC
Dave Shupp	CAGC
BERRY JENKINS	CAGC
Paul Stock	NC Bankers
Charlie Holbrook	CAPA
Kathryn Westcott	ACEC/NC
Allison Waller	Nelson Mullins
Betty Dooley	DNCC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matt Cross	NCLE
Barbara A Hoots	NCRTC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Alissa Willett	NCACC
Betsy Bailey	PENC

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 14, 2011

The Committee on Rules, Calendar and Operations of the House met on June 14, 2011 at 2:05 pm in Room 1327 of the Legislative Building. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representative OwnesVice Chair, Representatives Blust, Daughtry, Faison, Farmer-Butterfield, Hill, Hilton, Jeffus, Luebke, McComas, Moffitt, Parmon, Samuelson, Stam, and Stone.

Rep. LaRoque presided.

The Following Bill was considered:

SB 151 Wake Commissioners Districting/Vacancies (Senator Stevens, Primary Sponsor) Sen. Stevens was recognized to explain the bill. . No discussion or debate Vote was called. Motion passed. Vote was called. Motion passed.

HR 929 Honor Mitchell County's 150. (Representative Frye, Primary Sponsor). Rep. Frye was recognized explain the bill. No discussion or debate. Rep. Moore motioned for a favorable report. Vote was called. Motion passed.

SR 5 Honor John McNeill Smith, Jr. (Senator Vaughan , Primary Sponsor) Rep. Moore motioned for a favorable report. No discussion or debate. Vote was called. Motion passed.

S129 State Mineral is Gold (Sen, Brown, Primary Sponsor) Rep. Moore motioned for a favorable report. No Discussion or debate. Vote was called. Motion passed.

S260 Pitt County School Board Elections (Senator Pate, Primary Sponsor) Sen Pate was recognized to explain the bill. Discussion and debate on the bill Rep. Blust motioned for a favorable report. Vote was called and motioned passed.

S322 Adopt Official State Sport. (Senator Apodaca; Tillman; Nesbitt, Primary Sponsors) Rep. Owens sent forth an amendment. Vote called. Amendment passes. Sen. Nesbitt was recognized to explain the bill. No discussion or debate on the bill. Rep. Stone motioned for a favorable report as amended, Vote was called for a favorable report on the bill as amended. Motion passed.

S661 License Plate Agency Contracts (Senator Bingham, Primary Sponsor) Sen. Bingham was recognized to explain the bill. Rep. Stone sent forth an amendment. Vote was called. Amendment passed. Rep. Hackney made the motion for a favorable report. Vote was called. Motion passed for a favorable report to the bill as amended.

S63 Clarify Permit Req. Collection Agency E'ee. (Senator Jenkins, Primary Sponsor) Sen. Jenkins explained the bill. Rep. Farmer-Butterfield motioned for a favorable report. Vote was called and motion passed.

S205 No Benefits for Illegal Aliens (Senator Allran, Primary Sponsor) Rep. Allran was recognized to explain the bill. Discussion and debate on the bill. Rep. Luebke sent forth an amendment. Division was called on the amendment. Vote was called. 8 for 10 against. Amendment failed. Rep. Hilton motioned for a favorable report. Roll Call vote was called. Motion passed. 12 in favor 7 against. Bill was given a favorable report.

S710 Swine and Poultry Waste RECs (Senator Rucho, Primary Sponsor) Rep. Moffitt was recognized to send forth a PCS. Vote called. Motion passed. Sen. Rucho was recognized to explain the bill. Rep. Owens motioned for a favorable report as to the PCS unfavorable to the original. Vote was called. Motion passed.

S349 Confidentiality/ Investigative Info/ Optometry. (Senator Purcell, Primary Sponsor) Rep. Blust sent forth a PCS. Vote called. Motion passed. Sen. Purcell was recognized to explain the bill. Rep. Farmer-Butterfield made a motion for a favorable report to the PCS, unfavorable to the original.

Chair Moore adjourned at 2:58 pm.

Respectfully submitted:

Rep. Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 2:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SJR 5	Honor John McNeill Smith, Jr.	Senator Vaughan
SB 63	Clarify Permit Req. Collection Agency E'ee.	Senator Jenkins
SB 129	State Mineral is Gold.	Senator Brown
SB 151	Wake Commissioners Districting/Vacancies.	Senator Stevens
SB 205	No Benefits for Illegal Aliens.	Senator Allran
SB 322	Adopt Official State Sport.	Senator Apodaca Senator Tillman Senator Nesbitt
SB 349	Confidentiality/Investigative Info/Optometry.	Senator Purcell Senator Pate
SB 382	Required Withholding For Nonresidents.	Senator Apodaca
SB 416	School Buses/State Vehicles/Tires.	Senator Harrington Senator Rabon Senator Forrester
SB 661	License Plate Agency Contracts.	Senator Bingham
SB 710	Swine and Poultry Waste RECs.	Senator Rucho

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

10 PM o'clock on **June 13, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice add S929

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

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TIME: 2:00 pm
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SB 63	Clarify Permit Req. Collection Agency E'ee.	Senator Jenkins
SB 129	State Mineral is Gold.	Senator Brown
SB 151	Wake Commissioners Districting/Vacancies.	Senator Stevens
SB 205	No Benefits for Illegal Aliens.	Senator Allran
SB 322	Adopt Official State Sport.	Senator Apodaca Senator Tillman Senator Nesbitt
SB 349	Confidentiality/Investigative Info/Optometry.	Senator Purcell Senator Pate
SB 382	Required Withholding For Nonresidents.	Senator Apodaca
SB 416	School Buses/State Vehicles/Tires.	Senator Harrington Senator Rabon Senator Forrester
SB 661	License Plate Agency Contracts.	Senator Bingham
SB 710	Swine and Poultry Waste RECs.	Senator Rucho

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **June 14, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice add 187

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 2:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 929	Honor Mitchell County's 150th.	Representative Frye
SJR 5	Honor John McNeill Smith, Jr.	Senator Vaughan
SB 63	Clarify Permit Req. Collection Agency E'ee.	Senator Jenkins
SB 129	State Mineral is Gold.	Senator Brown
SB 151	Wake Commissioners Districting/Vacancies.	Senator Stevens
SB 187	Outlaw Red Light Camera Systems.	Senator East
SB 205	No Benefits for Illegal Aliens.	Senator Allran
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SB 710	Swine and Poultry Waste RECs.	Senator Rucho

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Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **June 14, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice add S339

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

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SB 339	Modify Driver Education Program.	Senator Hartsell
SB 345	Encourage Invest to Retain Art 3A Installment.	Senator Garrou Senator Allran
SB 349	Confidentiality/Investigative Info/Optometry.	Senator Purcell Senator Pate
SB 382	Required Withholding For Nonresidents.	Senator Apodaca
SB 416	School Buses/State Vehicles/Tires.	Senator Harrington Senator Rabon Senator Forrester
SB 661	License Plate Agency Contracts.	Senator Bingham
SB 710	Swine and Poultry Waste RECs.	Senator Rucho

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **June 14, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Corrected Notice added Bills

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

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DAY & DATE: Tuesday, June 14, 2011
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SB 187	Outlaw Red Light Camera Systems.	Senator East
SB 205	No Benefits for Illegal Aliens.	Senator Allran
SB 260	Pitt County School Board Election.	Senator Pate
SB 322	Adopt Official State Sport.	Senator Apodaca Senator Tillman Senator Nesbitt
SB 339	Modify Driver Education Program.	Senator Hartsell
SB 345	Encourage Invest to Retain Art 3A Installment.	Senator Garrou Senator Allran
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SB 661	License Plate Agency Contracts.	Senator Bingham
SB 710	Swine and Poultry Waste RECs.	Senator Rucho

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **June 14, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

June 14, 2011, 2:00 pm 1327 LB

Representative Stephen LaRoque Presiding

Remarks:

HR 929	Honor Mitchell County's 150th.	Representative Frye
SJR 5	Honor John McNeill Smith, Jr.	Senator Vaughan
SB 63	Clarify Permit Req. Collection Agency E'ee.	Senator Jenkins
SB 129	State Mineral is Gold.	Senator Brown
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		Senator Rabon
		Senator Forrester
SB 661	License Plate Agency Contracts.	Senator Bingham
SB 710	Swine and Poultry Waste RECs.	Senator Rucho

Adjourn

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 710
PROPOSED HOUSE COMMITTEE SUBSTITUTE S710-CSSB-53 [v.1]

6/14/2011 12:29:19 PM

Short Title: Poultry Waste RECs. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW RENEWABLE ENERGY CERTIFICATES (RECS) DERIVED FROM THE THERMAL ENERGY OUTPUT OF COMBINED HEAT AND POWER FACILITIES THAT USE POULTRY WASTE AS A FUEL TO MEET THE REQUIREMENTS OF THE POULTRY WASTE SET-ASIDE.

The General Assembly of North Carolina enacts:

SECTION 1. Legislative Findings. – The General Assembly makes the following findings regarding the need to allow renewable energy certificates (RECs) derived from the thermal energy output of combined heat and power facilities that use poultry waste as a fuel to meet the requirements of the poultry waste set-aside under G.S. 62-133.8(f) (Compliance With REPS Requirements Through the Use of Poultry Waste Resources):

(1) The electric power suppliers have experienced considerable difficulty in procuring sufficient electricity derived from the use of poultry waste at a reasonable cost to meet the especially restrictive language of the poultry waste set-aside.

(2) The public interest of the State will be served by providing a cost-effective option for the electric power suppliers to use in order to comply with the poultry waste set-aside.

(3) The State and the public will benefit directly from reduced process steam costs to North Carolina businesses, which will help North Carolina businesses remain competitive and viable.

(4) The State and the public will benefit directly from diversifying the State's viable generation resource options, which utilize indigenous North Carolina resources to foster development of renewable projects in the State and encourage investment in new renewable projects.

(5) The health and safety of the citizens of the State will be served through improving air quality and water quality through the controlled destruction of methane, the capture of organic residuals, and addressing the very important environmental concern involving the current disposal practice of land application of poultry waste, which poses an ever increasing threat of pollution and contamination of the waters of the State.

SECTION 2. G.S. 62-133.8(f) reads as rewritten:

(f) Compliance With REPS Requirement Through Use of Poultry Waste Resources. – For calendar year 2014 and for each calendar year thereafter, at least 900,000 megawatt hours of the total electric power sold to retail electric customers in the State or an equivalent amount of energy shall be supplied, or contracted for supply in each year, by poultry waste combined with wood shavings, straw, rice hulls, or other bedding material. The electric power suppliers, in the aggregate, shall comply with the requirements of this subsection according to the following schedule:

Calendar Year	Requirement for Poultry Waste Resources
2012	170,000 megawatt hours
2013	700,000 megawatt hours
2014	900,000 megawatt hours"

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

SENATE BILL 710:
Swine and Poultry Waste RECs

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 14, 2011
Introduced by:	Senator Rucho	**Prepared by:**	Jeff Hudson
Analysis of:	PCS to First Edition S710-CSSB-53 [v.1]		Staff Attorney

SUMMARY: The Proposed Committee Substitute for Senate Bill 710 would allow thermal energy generated by combined heat and power facilities that use poultry waste as fuel to count towards the poultry waste set-aside.

BACKGROUND AND CURRENT LAW:

S.L. 2009-397 (commonly referred to as Senate Bill 3) established the North Carolina renewable energy and energy efficiency portfolio standard (REPS) in order to promote the development of renewable energy and energy efficiency in the State. The REPS requires electric power suppliers to use an increasing percentage of renewable energy resources and employ energy efficiency programs (12.5% by 2020) to meet the needs of the State's retail electricity customers. An electric power supplier could meet the REPS requirement by doing any one or more of the following:

- Generate electric power at a new renewable energy facility.
- Use a renewable energy resource to generate electric power at a generating facility.
- Reduce energy consumption through the implementation of an energy efficiency measure.
- Purchase electric power from a new renewable energy facility.
- Purchase renewable energy certificates (RECs) derived from in-state or out-of-state new renewable energy facilities.

The REPS requirement includes a specific requirement or set-aside for the generation of energy from poultry waste.

BILL ANALYSIS:

The Proposed Committee Substitute for Senate Bill 710 would allow thermal energy generated by combined heat and power facilities that use poultry waste as fuel to count towards the poultry waste set-aside.

EFFECTIVE DATE: The proposed committee substitute becomes effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 322*

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

S322-ATG-184 [v.1]

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____,2011

Representative _____

moves to amend the bill on page 1, line 33, by deleting the line and substituting the following:

""**§ 145-36. State sport.**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 260:
Pitt County School Board Election

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 14, 2011
Introduced by:	Sen. Pate	**Prepared by:**	Bill Patterson
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***Senate Bill 260 would make the following changes to the Pitt County Board of Education:***

- Reduce the number of School Board members.
- Reduce the length of terms for members of the School Board.
- Add an at-large member.

CURRENT LAW: Currently, the Pitt County Board of Education (Board) consists of 12 members, with two each elected from six districts in nonpartisan plurality elections. Only voters residing in a district may vote for the members from that district. Members of the Board serve for terms of six years. S.L. 1987-193.

BILL ANALYSIS: Section 1 of Senate Bill 260 reduces the number of Board members from 12 to 7. Beginning December 1, 2014, one member instead of two will be elected from each of the six districts. The seventh member will be elected at-large. Only voters residing in a district may vote for the member from that district.

Sections 2 and 3 of Senate Bill 260 provide that one member shall be elected at large in 2014 for a two-year term. No election shall be held for full terms in 2014 to allow the Board to be reduced from 12 members to 7. Beginning with the 2016 election, elected members will serve four-year terms.

EFFECTIVE DATE: Effective when it becomes law, but may not be implemented until the session law has received "preclearance" approval under Section 5 of the Voting Rights of 1965 as Pitt County is one of the 40 counties in North Carolina subject to Section 5.

Denise Adams, counsel to House Government, substantially contributed to this summary.

S260-SMTG-60(e2) v1

SENATE BILL 260:
Pitt County School Board Election

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 14, 2011
Introduced by:	Sen. Pate	**Prepared by:**	Bill Patterson
Analysis of:	Second Edition		Committee Counsel

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Denise Adams, counsel to House Government, substantially contributed to this summary.

S260-SMTG-60(e2) v1

HOUSE RESOLUTION 929

Sponsors:	Representative Frye (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

May 12, 2011

A HOUSE RESOLUTION HONORING MITCHELL COUNTY'S ONE HUNDRED FIFTIETH ANNIVERSARY.

Whereas, Mitchell County, North Carolina, was formed on February 16, 1861, and is celebrating the one hundred fiftieth year of its founding; and

Whereas, Mitchell County was named after Dr. Elijah Mitchell, noted scientist, scholar, and explorer, who died in 1857; and

Whereas, Mitchell County is the home to Roan Mountain, which has some of the largest natural rhododendron gardens in the world, supports several miles of the Blue Ridge Parkway and the Appalachian Trail, and is the world's premier source of valuable minerals; and

Whereas, Mitchell County is home of the Spruce Pine Mining District, a 10-by-25-mile region rich in feldspar, quartz, kaolin, mica, and gemstone deposits, which are featured at the Museum of North Carolina Minerals located just off the Blue Ridge Parkway; and

Whereas, the Blue Ridge Parkway forms the southern boundary of Mitchell County, and, since the Parkway's arrival in 1939, it has brought new jobs to and increased tourism in the region and continues to play a major role in the economic development of Mitchell County; and

Whereas, Mitchell County and its citizens support the annual North Carolina Rhododendron Festival, the annual North Carolina Mineral and Gem Festival, and numerous community events throughout the year; and

Whereas, Mitchell County is home of the world-famous Penland School of Crafts and also home to seven of North Carolina's Living Treasures; and

Whereas, Mitchell County residents have proudly and faithfully served Mitchell County, the great State of North Carolina, and the United States of America in war and peace; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Dr. Elijah Mitchell and encourages the citizens of this State to participate in activities celebrating the 150th anniversary of Mitchell County.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Chair of the Mitchell County Board of Commissioners.

SECTION 3. This resolution is effective upon adoption.

S 1

SENATE JOINT RESOLUTION 5

Sponsors:	Senator Vaughan.
Referred to:	Rules and Operations of the Senate.

January 27, 2011

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN MCNEILL SMITH, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, John McNeill Smith, Jr., was born on April 9, 1918, in Robeson County, to Dr. John McNeill Smith, Sr., and Roberta Olivia Andrew Smith; and

Whereas, John McNeill Smith, Jr., attended the Rowland Public Schools and earned an A.B. degree from the University of North Carolina at Chapel Hill in 1938 and a law degree from Columbia University in 1941; and

Whereas, John McNeill Smith, Jr., served in the United States Navy during World War II from 1941 to 1945, achieving the rank of Lt. Commander; and

Whereas, after serving in the military, John McNeill Smith, Jr., worked as an attorney for more than 50 years in the City of Greensboro and became well known for his work in the areas of civil rights and liberties; and

Whereas, John McNeill Smith, Jr., served his profession in many capacities, serving as chair of the Individual Rights Section of the American Bar Association, chair of the North Carolina Bar Association Section on Constitutional Law, chair of the Committee on Constitutional Integrity, and as a member of the Judicial Conference of the United States Court of Appeals, International Association of Insurance Counsel, and the American Judicature Society; and

Whereas, John McNeill Smith, Jr., was elected to the North Carolina House of Representatives in 1970 and, on December 31, 1971, was appointed by Governor Robert W. Scott to fill a vacancy in the North Carolina Senate; and

Whereas, John McNeill Smith, Jr., served with distinction three additional terms in the Senate during the 1973, 1975, and 1977 sessions of the General Assembly; and

Whereas, John McNeill Smith, Jr., made significant contributions as chair of the North Carolina State Advisory Committee to the United States Commission on Civil Rights, director of the Greensboro Chamber of Commerce, chair of the Downtown Improvement Committee, president of the American Freedom Association, chair of the Southeastern World Affairs Institute, president of the American Business Club, and director of the Excellence Fund for the University of North Carolina at Greensboro; and

Whereas, John McNeill Smith, Jr., served as a member of the Board of Directors of the Hayes-Taylor YMCA and the Board of Trustees of the North Carolina Outward Bound School and was a member of several other organizations, including Delta Kappa Epsilon and Phi Delta Phi fraternities; and

Whereas, John McNeill Smith, Jr., made significant contributions as a member of the North Carolina Center for Public Policy Research from 1980 to 1992 and as the chair of the North Carolina Board of Ethics from 1980 to 1984; and

Whereas, John McNeill Smith, Jr., received recognition in the National Law Journal as one of the 100 most influential attorneys in the United States in 1985 and was the recipient of the Distinguished Service Award from the Greensboro Bar Association in 2000; and

Whereas, John McNeill Smith, Jr., was honored by the North Carolina Bar Association in 2006 when the Constitutional Rights and Responsibilities Section established an award in his honor that is given "to a person who has demonstrated extraordinary commitment to the ideals embodied in the Constitution of the United States and the Constitution of North Carolina"; and

Whereas, John McNeill Smith, Jr., was active in the religious affairs of his community, serving as president of the Greensboro Association of Churches and Synagogues, vice president of the North Carolina Council of Churches, chair of the Ecumenical Affairs Commission and Sunday school teacher for the West Market Street United Methodist Church, and a lifelong member of the Rowland United Methodist Church; and

Whereas, John McNeill Smith, Jr., died on January 15, 2011, at the age of 92; and

Whereas, John McNeill Smith, Jr., was married to the late Louise Huske Jordan Smith and is survived by four children: Louise Jordan Smith Nichols; Anne Talbott Smith Cole; John McNeill Smith, III; and Eleanor Huske Smith; seven grandchildren; and five great-grandchildren; Now, therefore,

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

SECTION 1. The General Assembly expresses its appreciation for the life and accomplishments of John McNeill Smith, Jr., and for the service he rendered the nation, the State of North Carolina, and his community.

SECTION 2. The General Assembly extends its deepest sympathy to the family of John McNeill Smith, Jr., for the loss of a beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of John McNeill Smith, Jr.,

SECTION 4. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 63
Commerce Committee Substitute Adopted 5/23/11

Short Title: Clarify Permit Req. Collection Agency E'ee. (Public)

Sponsors:

Referred to:

February 14, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT REGULAR EMPLOYEES OF DULY LICENSED DEBT COLLECTION AGENCIES ARE NOT REQUIRED TO OBTAIN A COLLECTION AGENCY PERMIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-70-1 reads as rewritten:

"**§ 58-70-1. Permit from Commissioner of Insurance; penalty for violation; exception.**

No person, firm, corporation, or association shall conduct or operate a collection agency or do a collection agency business, as the same is hereinafter defined in this Article, until he or it shall have secured a permit therefor as provided in this Article. Any person, firm, corporation or association conducting or operating a collection agency or doing a collection agency business without the permit shall be guilty of a Class I felony. Any officer or agent of any person, firm, corporation or association, who shall personally and knowingly participate in any violation of the remaining provisions of this Part shall be guilty of a Class 1 misdemeanor. Provided, however, that nothing in this section shall be construed to require a regular employee of a duly licensed collection agency ~~in this State~~ licensed pursuant to this Article to procure a collection agency permit."

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

SENATE BILL 63:
Clarify Permit Req. Collection Agency E'ee

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 14, 2011
Introduced by:	Sen. Jenkins	**Prepared by:**	Bill Patterson
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***Senate Bill 63 clarifies that a regular employee of a duly licensed collection agency does not have to procure a collection agency permit even if the employee works outside North Carolina.***

CURRENT LAW: Under current law, debt collection agencies are required to obtain a permit from the Commissioner of Insurance before operating within the State. A regular employee of a duly licensed debt collection agency in this State is not required to obtain a debt collection agency permit. Operating a collection agency business without a permit is a Class I felony.

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

Kory Goldsmith, counsel to Senate Commerce, substantially contributed to this summary.

S63-SMTG-45(e2) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 129
Second Edition Engrossed 5/23/11

Short Title:	State Mineral Is Gold.	(Public)
Sponsors:	Senator Brown.	
Referred to:	Rules and Operations of the Senate.	

February 28, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE GOLD (AURUM) THE STATE MINERAL.

The General Assembly of North Carolina enacts:

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

"**§ 145-35. State mineral.**

Gold (Aurum) is adopted as the official State mineral of the State of North Carolina."

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

SENATE BILL 129:
State Mineral Is Gold

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 14, 2011
Introduced by:	Sen. Brown	**Prepared by:**	Bill Patterson
Analysis of:	Second Edition		Committee Counsel

SUMMARY: Senate Bill 129 adopts gold as the official mineral of North Carolina.

CURRENT LAW: Currently, North Carolina does not have an official state mineral. Other such symbols, however, have been adopted by the State as official designations, including the emerald as the official State precious stone of North Carolina (S.L. 1973-136) and granite as the official State rock of North Carolina (S.L. 1979-906).

BILL ANALYSIS: Senate Bill 129 would amend Chapter 145 of the General Statutes, State Symbols and Other Official Adoptions, to designate gold (aurum) as the official mineral of the State of North Carolina.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: Aurum is the Latin word for gold.

Denise Adams, counsel to Senate Rules, substantially contributed to this summary.

S129-SMTG-44(e2) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 151

State and Local Government Committee Substitute Adopted 6/7/11

Short Title: Wake Commissioners Districting/Vacancies. (Local)

Sponsors:

Referred to:

March 1, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE WAKE COUNTY BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS AND TO BRING WAKE COUNTY UNDER THE GENERAL LAW CONCERNING FILLING OF VACANCIES ON ITS COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-22.1(f), as enacted by Chapter 215 of the 1995 Session Laws, and as rewritten by S.L. 1998-175, reads as rewritten:

"(f) This section applies to ~~Henderson and Moore~~ Henderson, Moore, and Wake Counties only."

SECTION 2. G.S. 153A-27.1(h) reads as rewritten:

"(h) This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, ~~Wake,~~ and Yancey."

SECTION 3. Section 12 of Chapter 763 of the 1981 Session Laws is repealed.

SECTION 4. This act is effective when it becomes law, except that Sections 2 and 3 of this act apply only to vacancies occurring on or after the date this act becomes law.

SENATE BILL 151:
Wake Commissioners Districting/Vacancies

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 14, 2011
Introduced by:	Sen. Stevens	**Prepared by:**	Bill Patterson
Analysis of:	Second Edition		Committee Counsel

SUMMARY: The proposed committee substitute for Senate Bill 151 would allow the Wake County Board of Commissioners to redistrict their residency districts and would bring Wake County under the general law on the filling of vacancies on the Wake County Board of Commissioners.

CURRENT LAW: S.L. 1995-215, as rewritten by S.L. 1998-175, allows Moore and Henderson Counties by resolution to redefine residency districts when it finds as fact that there is substantial inequality of population among the districts. The test for compliance with the act is a reduction in the relative overall range of deviation. A residency district is defined as a district in which the candidate resides and represents the district, but the candidates are voted on in the primaries and general elections by the qualified voters of the entire county.

G.S. 153A-27 and G.S. 153A-27.1 provide alternate methods for filling vacancies on boards of commissioners. Under G.S. 153A-27.1 which currently governs 35 counties including Wake County, the appointing authority is bound by the party recommendation, if it is made within 30 days of the occurrence of the vacancy.

Under G.S. 153A-27, the general law, the appointing authority has discretion to make the appointment ithout being bound by the recommendation of the executive committee of party of the vacating fficial.

Section 12 of S.L. 1981-763 provided a special method for Wake County to fill vacancies on the Board. If the vacancy occurs more than one year before the next general election after election to a 4 year term, or after that general election, but more than 1 year before the next general election the County Commissioners may reject the nomination of a party to fill the vacancy made pursuant to G.S. 153A-27.1, but the Board must then call a special primary election to allow members of that party to make a recommendation. Vacancies occurring at other times are governed under G.S. 153A-27.1.

BILL ANALYSIS:

Section 1 adds Wake County to the counties who may, by resolution, redefine residency districts when it finds as fact that there is substantial inequality of population among the districts.

Section 2 removes Wake County from G.S. 153A-27.1 providing that, in filling vacancies on board of commissioners, the appointing authority is bound by the party recommendation, if such recommendation is made within 30 days of the vacancy. Wake County would therefore fall under the general law, G.S. 153A-27, in which the appointing authority has discretion to make the appointment without being bound by the recommendation of the executive committee of party of the vacating official.

Section 3 repeals the provisions of S.L. 1981-763 that provided for a special method of filling vacancies on the Wake County Board of Commissioners.

EFFECTIVE DATE: The act is effecting when it becomes law except that Sections 2 and 3 apply only to vacancies occurring or after that date.

arbara Riley, counsel to Senate State and Local Government, substantially contributed to this summary.

SENATE BILL 187
Transportation Committee Substitute Adopted 4/6/11

Short Title: Outlaw Red Light Camera Systems. (Public)

Sponsors:

Referred to:

March 3, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE THE USE OF PHOTOGRAPHIC CAMERA SYSTEMS TO REGULATE TRAFFIC UNLAWFUL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.1 is repealed.

SECTION 2. S.L. 2001-286 is repealed.

SECTION 3. S.L. 2003-280 is repealed.

SECTION 4. Sections 2, 3, 4, and 5 of S.L. 2003-380 are repealed.

SECTION 5. Section 6 of S.L. 2003-380 reads as rewritten:

"**SECTION 6.** This act is effective when it becomes law. ~~Section 5 of this act expires June 30, 2006.~~"

SECTION 6. Sections 3 and 4 of S.L. 2004-141 are repealed.

SECTION 7. Section 4 of S.L. 2005-117 reads as rewritten:

"**SECTION 4.** The following acts are not affected by this act:

Chapter 1275, Session Laws of 1979 (removal of areas from the corporate limits).

Chapter 279, Session Laws of 1989 (closing streets in ETJ)

Chapter 27, Session Laws of 1993 (removal of areas from the corporate limits and addition of areas to the corporate limits)

Chapter 137, Session Laws of 1993 (acquisition of street right-of-way outside the corporate limits)

Chapter 325, Session Laws of 1993 (motor vehicle tax)

S.L. 1998-192 (Swift Creek Management Plan)

S.L. 2000-108 (removal, replacement, and preservation of trees and shrubs)

S.L. 2001-191 (clear-cutting of trees in buffer zones, protection of specimen trees)

S.L. 2001-245 (expending funds on roads outside the corporate limits)

S.L. 2003-74 (acquisition of property for utilities)

~~S.L. 2001-286 (red-light cameras)~~

S.L. 2005-41 (reimbursement agreements)."

SECTION 8. Sections 17, 18, and 19 of S.L. 2010-132 are repealed.

SECTION 9. Article 15 of Chapter 160 of the General Statutes is amended by adding a new section to read:

"**§ 160A-300.1A. Traffic control photographic systems unlawful.**

It shall be unlawful for any person to operate a traffic control photographic system in this State for the purpose of enforcing the provisions of G.S. 20-158. A violation of this section is a

Class 1 misdemeanor and shall result in the forfeiture of any photographic system used for traffic control."

SECTION 10. Sections 1 through 8 and Section 10 of this act are effective when this act becomes law. Section 9 of this act becomes effective December 1, 2011, and applies to offenses committed on or after that date.

SENATE BILL 205
Judiciary II Committee Substitute Adopted 6/7/11

Short Title: No Benefits for Illegal Aliens. (Public)

Sponsors:

Referred to:

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT ILLEGAL ALIENS ARE NOT ELIGIBLE FOR PUBLIC BENEFITS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 64 of the General Statutes is amended by adding a new Article to read:

"Article 1.

"Various Provisions Related to Aliens."

SECTION 2. G.S. 64-1 through G.S. 64-5 are recodified as Article 1 of Chapter 64 of the General Statutes, as created by Section 1 of this act.

SECTION 3. Chapter 64 of the General Statutes is amended by adding a new Article to read:

"Article 2.

"Eligibility for Public Benefits.

"**§ 64-10. Definitions.**

The following definitions apply in this Article:

(1) Federal public benefit. – As defined in 8 U.S.C. § 1611.

(2) Political subdivision. – A county or municipality of this State.

(3) State or local public benefit. – As defined in 8 U.S.C. § 1621, except that the term does not include commercial or professional licenses, benefits provided by a public retirement system, or services widely available to the general public population as a whole.

"**§ 64-11. Verification of eligibility for federal public benefits.**

(a) Certain Documents Must Be Presented. – Notwithstanding any other provision of law and to the extent permitted by federal law, any natural person who applies for a federal public benefit that is administered by this State or a political subdivision of this State shall submit to the entity that administers the federal public benefit at least one of the following documents demonstrating lawful presence in the United States:

(1) A North Carolina drivers license.

(2) A North Carolina special identification card.

(3) A birth certificate or delayed birth certificate issued in any state, territory, or possession of the United States.

(4) A United States certificate of birth abroad.

(5) A United States passport.

(6) A foreign passport with a United States visa.

(7) An I-94 form with a photograph.

(8) A United States Citizenship and Immigration Services employment authorization document or refugee travel document.
(9) A United States certificate of naturalization or citizenship.
(10) A tribal certificate of Indian blood.
(11) A tribal or Bureau of Indian Affairs affidavit of birth.

(b) Alternate Documents. – To the extent permitted by federal law, an agency of this State or political subdivision of this State may allow tribal members, the elderly, and persons with disabilities or incapacity of the mind or body to provide documentation as specified in section 6036 of the federal Deficit Reduction Act of 2005, P.L. 109-171, and related federal guidance in lieu of the documentation required by this section.

(c) Affidavit Required. – Any natural person who applies for a federal public benefit shall sign a sworn affidavit stating that any document presented pursuant to subsection (a) of this section is true under penalty of perjury.

(d) Failure to Report Immigration Violations a Misdemeanor. – Failure to report violations of federal immigration law discovered by an employee of an agency of this State or a political subdivision of this State that administers a federal public benefit is a Class 2 misdemeanor. If that employee's supervisor knew of the failure to report and failed to direct the employee to make the report, the supervisor is guilty of a Class 2 misdemeanor.

(e) Nondiscrimination. – This section shall be enforced without regard to race, color, religion, gender, ethnicity, age, disability, or national origin.

(f) Exception. – This section shall not apply to applications for a federal public benefit for which lawful presence in the United States is not required.

"**§ 64-12. Verification of eligibility for State or local public benefits.**

(a) Certain Documents Must Be Presented. – Notwithstanding any other provision of law and to the extent permitted by federal law, any State agency or political subdivision of this State that administers any State or local public benefit shall require each natural person who applies for a State or local public benefit to submit to the entity that administers the State or local public benefit at least one of the following documents demonstrating lawful presence in the United States:

(1) A North Carolina drivers license.
(2) A North Carolina special identification card.
(3) A birth certificate or delayed birth certificate issued in any state, territory, or possession of the United States.
(4) A United States certificate of birth abroad.
(5) A United States passport.
(6) A foreign passport with a United States visa.
(7) An I-94 form with a photograph.
(8) A United States Citizenship and Immigration Services employment authorization document or refugee travel document.
(9) A United States certificate of naturalization or citizenship.
(10) A tribal certificate of Indian blood.
(11) A tribal or Bureau of Indian Affairs affidavit of birth.

(b) Alternate Documents. – To the extent permitted by federal law, an agency of this State or political subdivision of this State may allow tribal members, the elderly, and persons with disabilities or incapacity of the mind or body to provide documentation as specified in section 6036 of the federal Deficit Reduction Act of 2005, P.L. 109-171, and related federal guidance in lieu of the documentation required by this section.

(c) Affidavit Required. – Any natural person who applies for a State or local public benefit shall sign a sworn affidavit stating that any document presented pursuant to subsection (a) of this section is true under penalty of perjury.

(d) Failure to Report Immigration Violations a Misdemeanor. – Failure to report violations of federal immigration law discovered by an employee of an agency of this State or a political subdivision of this State that administers a State or local public benefit is a Class 2 misdemeanor. If that employee's supervisor knew of the failure to report and failed to direct the employee to make the report, the supervisor is guilty of a Class 2 misdemeanor.

(e) Nondiscrimination. – This section shall be enforced without regard to race, color, religion, gender, ethnicity, age, disability, or national origin.

(f) Exception. – This section shall not apply to applications for a State or local public benefit for which lawful presence in the United States is not required.

"**§ 64-13. Construction and severability.**

(a) Construction. – This Article shall be construed in a manner consistent with federal law.

(b) Severability. – The provisions of this Article are severable. If any part of this Article is declared invalid or unconstitutional, such declaration shall not affect the remainder. If any particular interpretation or application of the provisions of this Article is declared invalid or unconstitutional, such declaration shall not affect other interpretations or applications."

SECTION 4. This act becomes effective October 1, 2011.

SENATE BILL 205:
No Benefits for Illegal Aliens

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 14, 2011
Introduced by:	Sen. Allran	**Prepared by:**	Bill Patterson
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***This act creates a new Article in Chapter 64 of the General Statutes, which provides verification requirements for a person to obtain federal, State, or local government public benefits. This act becomes effective October 1, 2011.***

BILL ANALYSIS:

Sections 1 and 2 recodify current statutes into an Article 1 under Chapter 64.

Section 3 creates a new Article 2 under Chapter 64.

- The Article provides definitions, and then lists the type of documents which may be presented in order to obtain federal public benefits. Any listed document in the list is sufficient to verify lawful presence in the United States. The person applying for the federal benefit must sign a sworn affidavit, under penalty of perjury, that the document is true. **The requirements in this Article are only valid to the extent they are permitted by federal law.**
- Failure to report violations of federal immigration law discovered by a State or local employee is a Class 2 misdemeanor. If an employee's supervisor knew of the failure to report and failed to direct the employee to make the report, the supervisor is guilty of a Class 2 misdemeanor.
- This act requires that the law shall be enforced without regard to race, color, religion, gender, ethnicity, age, disability, or national origin.
- The law does not apply to a federal public benefit for which lawful presence in the United States is not required.
- The act includes provisions that require the same verification requirement for benefits from State and local governments, and include the same affidavit, nondiscrimination, and penalty provisions.

EFFECTIVE DATE: This act becomes effective October 1, 2011.

'all Pell, counsel to Senate Rules, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 260
State and Local Government Committee Substitute Adopted 6/7/11

Short Title: Pitt County School Board Election. (Local)

Sponsors:

Referred to:

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS AND TO ADD AN AT-LARGE MEMBER.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 193 of the 1987 Session Laws reads as rewritten:

"**Section 1.** Beginning ~~December 7, 1987,~~ December 1, 2014, the Pitt County Board of Education shall consist of ~~12 members, with two~~ seven members, one of whom is elected at-large and one each elected from six districts in nonpartisan plurality elections. Only voters residing in a district may vote for the members from that district."

SECTION 2. Section 4 of Chapter 193 of the 1987 Session Laws reads as rewritten:

"**Sec. 4.** ~~After the initial election, elections~~ Other than for the at-large member elected in 2014, elections shall be held in ~~1990 and subsequent even-numbered years~~ 2016 and quadrennially thereafter as terms expire, at the time set by general State law for the election of county boards of education. Members elected in ~~1990~~ 2016 and subsequent years shall take office at the time set by general State law and shall serve for terms of ~~six~~ four years."

SECTION 3. In the 2014 election, one member shall be elected at large for a two-year term. No election shall be held for full terms of district members of the Pitt County Board of Education in 2014 so as to reduce the total number of members from 12 to 7. This act does not affect the terms of office of members elected for six-year terms in 2008.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 322*

Rules and Operations of the Senate Committee Substitute Adopted 4/27/11

Short Title: Adopt Official State Sport. (Public)

Sponsors:

Referred to:

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT STOCK CAR RACING AS THE OFFICIAL SPORT OF NORTH CAROLINA.

Whereas, stock car racing has played a significant role in the history, heritage, and culture of North Carolina; and

Whereas, stock car racing leads the way in the motorsports industry in North Carolina; and

Whereas, the motorsports industry has a six billion dollar economic impact in North Carolina annually and creates over 20,000 direct and indirect jobs; and

Whereas, North Carolina continues to grow and advance the grass roots of the sport of stock car racing with over 30 short tracks located throughout the State hosting over 700 events per year; and

Whereas, North Carolina educates and trains individuals in its University system and Community College system for jobs in stock car racing; and

Whereas, North Carolina is the home of the coveted stock car racing NASCAR Hall of Fame and the NC Auto Racing Hall of Fame; and

Whereas, North Carolina is the home of more than 90 percent of NASCAR Sprint Cup stock car race teams; and

Whereas, Charlotte Motor Speedway hosts three stock car races annually in the NASCAR Sprint Cup series, the most in-season Sprint Cup events held at a single motorsports facility in the United States, and Charlotte Motor Speedway attracts more than one million visitors annually, most of whom are from other states; and

Whereas, North Carolina is the home of "The King," Richard Petty, stock car racing legend Junior Johnson, dubbed "The Last American Hero" by writer Tom Wolfe, and seven-time champion, the late Dale Earnhardt; and

Whereas, North Carolina is the home of stock car racing, and North Carolina is committed to the continued growth and popularity of the sport; and

Whereas, stock car racing should be adopted as the State's official sport; 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:

"**§ 145-33. State sport.**

Stock car racing is adopted as the official sport of North Carolina."

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

SENATE BILL 322:
Adopt Official State Sport

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 14, 2011
Introduced by:	Sens. Apodaca, Tillman, Nesbitt	**Prepared by:**	Bill Patterson Committee Counsel
Analysis of:	Second Edition		

SUMMARY: Senate Bill 322 adopts stock car racing as the official sport in North Carolina.

[As introduced, this bill was identical to H333, as introduced by Reps. Mills, Johnson, Steen, Owens, which is currently in Rules, Calendar, and Operations of the House.]

CURRENT LAW: Currently, North Carolina does not have an official state sport. Other such symbols, however, have been adopted by the State as official designations, including the Carolina Tartan as the official tartan of North Carolina (S.L. 1991-85) and milk as the official State beverage of North Carolina (S.L. 1987-347).

BILL ANALYSIS: The Proposed Committee Substitute to Senate Bill 322 would amend Chapter 145 of the General Statutes, State Symbols and Other Official Adoptions, to designate stock car racing as the official sport of the State of North Carolina.

EFFECTIVE DATE: Effective when it becomes law.

Denise Adams, counsel to Senate Rules, substantially contributed to this summary.

S322-SMTG-43(e2) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 339
Education/Higher Education Committee Substitute Adopted 3/31/11
Third Edition Engrossed 4/5/11

Short Title: Modify Driver Education Program. (Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO PROVIDE ADDITIONAL FISCAL AND TECHNICAL OVERSIGHT OF THE DRIVER EDUCATION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-215 reads as rewritten:

"**§ 115C-215. ~~Instruction in driver training and safety education.~~Administration of driver education program by the Department of Public Instruction.**

~~There shall be organized and administered under the general supervision of the Superintendent of Public Instruction a program of driver training and safety education in the public schools of this State, said courses to be noncredit courses taught by instructors who meet the requirements established by the State Board of Education. Instructors shall not be required to hold teacher certificates.~~

(a) In accordance with criteria and standards approved by the State Board of Education, the State Superintendent of Public Instruction shall organize and administer a standardized program of driver education to be offered at the public high schools of this State for all physically and mentally qualified persons who (i) are older than 14 years and six months, (ii) are approved by the principal of the school, pursuant to rules adopted by the State Board of Education, (iii) are enrolled in a public or private high school within the State, and (iv) have not previously enrolled in the program. The State Board of Education shall use for this purpose all funds appropriated to it for this purpose and may use all other funds that become available for its use for this purpose.

(b) The driver education curriculum shall include the following:

(1) Instruction on the rights and privileges of the handicapped and the signs and symbols used to assist the handicapped relative to motor vehicles, including the "international symbol of accessibility" and other symbols and devices as provided in Article 2A of Chapter 20 of the General Statutes.

(2) At least six hours of instruction on the offense of driving while impaired and related subjects.

(3) At least six hours of actual driving experience. To the extent practicable, this experience may include at least one hour of instruction on the techniques of defensive driving.

(4) At least one hour of motorcycle safety awareness training.

(c) The State Board of Education shall establish and implement a strategic plan for the driver education program. At a minimum, the strategic plan shall consist of goals and performance indicators, including the number of program participants as compared to the number of persons projected to be eligible to participate in the program, the implementation of a standard curriculum for the program, expenditures for the program, and the success rate of program participants in receiving a drivers license as reported by the Division of Motor Vehicles. The strategic plan shall also outline specific roles and duties of an advisory committee consisting of employees of the Division of Motor Vehicles and the Department of Public Instruction and other stakeholders in driver education.

(d) The State Board of Education shall adopt a salary range for driver education instructors who are public school employees and who are not licensed teachers.

Driver education instructors who are public school employees and who are licensed teachers shall be paid on the teacher salary schedule. A day of employment for driver education instructors who hold teacher certificates shall be the same number of hours required of all regular classroom teachers as established by the local board of education.

(e) The State Board of Education shall adopt rules to permit local boards of education to enter contracts with public or private entities to provide a program of driver education at public high schools. All driver education instructors shall meet the requirements established by the State Board of Education; provided, however, driver education instructors shall not be required to hold teacher certificates."

SECTION 2. G.S. 115C-216 reads as rewritten:

"**§ 115C-216. Boards of education required to provide courses in operation of motor vehicles.**

(a) Course of Training and Instruction Required in Public High Schools. – ~~The State Board of Education and local~~ Local boards of education ~~are required to provide as a part of the program of the public high schools in this State a course of training and instruction in the operation of motor vehicles, in accordance with G.S. 20-88.1.~~shall offer noncredit driver education courses in high schools using the standardized curriculum provided by the Department of Public Instruction.

(b) Inclusion of Expense in Budget. – The local boards of education ~~of every local school administrative unit are hereby authorized to~~shall include as an item of instructional service and as a part of the current expense fund of the budget of the ~~several~~ high schools under their supervision, the expense necessary ~~to install and maintain such a course of training and instructing eligible persons in such schools in the operation of motor vehicles.~~to offer the driver education course.

(c) to (f) Repealed by Session Laws 1991, c. 689, s. 32(c)."

SECTION 3. G.S. 20-88.1 reads as rewritten:

"**§ 20-88.1. Driver education.**

~~(a) In accordance with criteria and standards approved by the State Board of Education, the State Superintendent of Public Instruction shall organize and administer a program of driver education to be offered at the public high schools of this State for all physically and mentally qualified persons who (i) are older than 14 years and six months, (ii) are approved by the principal of the school, pursuant to rules adopted by the State Board of Education, (iii) are enrolled in a public or private high school within the State, and (iv) have not previously enrolled in the program. The State Board of Education shall use for such purpose all funds appropriated to it for said purpose, and may use all other funds that become available for its use for said purpose.~~

~~The driver education program established pursuant to this section must include the following:~~

~~(1) Instruction on the rights and privileges of the handicapped and the signs and symbols used to assist the handicapped relative to motor vehicles, including~~

~~the "international symbol of accessibility" and other symbols and devices as provided in Article 2A of this Chapter.~~

~~(2) At least six hours of instruction on the offense of driving while impaired and related subjects.~~

~~(3) At least six hours of actual driving experience. To the extent practicable, this experience may include at least one hour of instruction on the techniques of defensive driving.~~

~~(b) The State Board of Education shall adopt a salary range for driver education instructors who are public school employees and who do not hold teacher certificates.~~

~~Driver education instructors who are public school employees and who hold teacher certificates shall be paid on the teacher salary schedule. A day of employment for driver education instructors who hold teacher certificates shall be the same number of hours required of all regular classroom teachers as established by the local board of education.~~

~~(b1) The State Board of Education shall adopt rules to permit local boards of education to enter contracts with public or private entities to provide a program of driver education at public high schools. All driver education instructors shall meet the requirements established by the State Board of Education; provided, however, driver education instructors shall not be required to hold teacher certificates.~~

(c) All expenses incurred by the State in carrying out the provisions of ~~this section~~the driver education program administered by the Department of Public Instruction in accordance with G.S. 115C-215 shall be paid out of the Highway Fund.

(d) The Division shall prepare a driver license handbook that explains the traffic laws of the State and shall periodically revise the handbook to reflect changes in these laws. At the request of the Department of ~~Education,~~ Public Instruction, the Division shall provide free copies of the handbook to that Department for use in the program of driver education offered at public high schools."

SECTION 3.1.(a) G.S. 20-11(b) reads as rewritten:

"(b) Level 1. – A person who is at least 15 years old but less than 18 years old may obtain a limited learner's permit if the person meets all of the following requirements:

(1) Passes a course of driver education prescribed in ~~G.S. 20-88.1~~ G.S. 115C-215 or a course of driver instruction at a licensed commercial driver training school.

(2) Passes a written test administered by the Division.

(3) Has a driving eligibility certificate or a high school diploma or its equivalent."

SECTION 3.1.(b) G.S. 20-322(b) reads as rewritten:

"(b) Regulations adopted by the Commissioner shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insurance, bond or other security in such sum and with such provisions as the Commissioner deems necessary to protect adequately the interests of the public, and such other matters as the Commissioner may prescribe. A driver education course offered to prepare an individual for a limited learner's permit or another provisional license must meet the requirements set in ~~G.S. 20-88.1~~ G.S. 115C-215 for the program of driver education offered in the public schools."

SECTION 4.(a) The State Board of Education shall report to the Joint Legislative Program Evaluation Oversight Committee by July 15, 2011, on the status of the implementation of Section 7.12 of S.L. 2010-31, which mandates the creation of a standard curriculum to be used for the driver education program in the Department of Public Instruction.

SECTION 4.(b) For the 2011-2012 school year, no State funds shall be used for driver education programs that do not use the standard driver education curriculum created in accordance with Section 7.12 of S.L. 2010-31.

SECTION 5. The State Board of Education shall establish a pilot program to deliver driver education by electronic means. At least five local school administrative units shall participate in the pilot program. Funds appropriated for driver education shall be used to implement the pilot program. The State Board shall report on the implementation of the pilot program to the Joint Legislative Education Oversight Committee and the Joint Legislative Program Evaluation Oversight Committee by June 15, 2012. The report shall include the cost per student of delivering the instruction and the success rate of program participants in receiving a drivers license.

SECTION 6. The State Board of Education shall report to the Joint Legislative Education Oversight Committee and to the Joint Legislative Program Evaluation Oversight Committee by June 15, 2012, on the following:

(1) The most cost-effective method of delivering driver education in the short- and long-term. In making this determination, the State Board of Education shall consider the results of the pilot program implemented pursuant to Section 5 of this act.

(2) The strategic plan adopted by the State Board of Education in accordance with G.S. 115C-215.

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

SENATE BILL 345

Short Title:	Encourage Invest to Retain Art 3A Installment.	(Public)
Sponsors:	Senators Garrou and Allran.	
Referred to:	Finance.	

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO RETAIN AND ENCOURAGE INVESTMENT IN ECONOMICALLY DISTRESSED TIMES TO REMAIN ELIGIBLE TO TAKE AN INSTALLMENT OF A CREDIT EARNED UNDER THE BILL LEE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-129.12A(c) reads as rewritten:

"(c) Expiration. – If, in one of the seven years in which the installment of a credit accrues, the property with respect to which the credit was claimed is no longer used in an eligible business, the credit expires and the taxpayer may not take any remaining installment of the credit. If, in one of the seven years in which the installment of a credit accrues, part of the property with respect to which the credit was claimed is no longer used in an eligible business, the remaining installments of the credit shall be reduced by multiplying it by the fraction described in subsection (b) of this section. ~~If, in~~In one of the years in which the installment of a credit accrues and by which the taxpayer is required to have created 200 new jobs at the property, if (i) the total number of employees the taxpayer employs at the property with respect to which the credit is claimed is less than ~~200,~~200 and (ii) the taxpayer has failed, within two years of the date the employment fell below 200, to invest at the property at least twice the value of the remaining installments of the credit, the credit expires and the taxpayer may not take any remaining installment of the credit.

In each of these cases, the taxpayer may nonetheless take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under G.S. 105-129.5."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 349
Judiciary I Committee Substitute Adopted 6/7/11

Short Title: Confidentiality/Investigative Info/Optometry. (Public)

Sponsors:

Referred to:

March 16, 2011

A BILL TO BE ENTITLED

AN ACT WHICH ALLOWS THE NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY TO CONSIDER CERTAIN INVESTIGATIVE INFORMATION AS CONFIDENTIAL, REQUIRES LICENSEES TO COOPERATE WITH LAW ENFORCEMENT AGENCIES, AND REQUIRES LICENSEES TO SELF-REPORT CERTAIN INDICTMENTS, ARRESTS, MEDICAL JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-121.5. Confidentiality of investigative information; cooperation with law enforcement; self-reporting requirements.**

(a) The Board may, in a closed session, receive information or evidence involving or concerning the treatment of a patient who has not expressly or impliedly consented to the public disclosure of the treatment when necessary for the protection of the rights of the patient or the accused licensee and the full presentation of relevant evidence.

(b) All records, papers, investigative files, investigative notes, reports, other investigative information, and other documents containing information in the possession of or received, gathered, or completed by the Board, its members, staff, employees, attorneys, or consultants as a result of investigations, inquiries, assessments, or interviews conducted in connection with a license, complaint, assessment, potential impairment, disciplinary matter, or report of professional liability insurance awards or settlements shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Such documents are privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than the Board or its employees or consultants involved in the application for licensure, impairment assessment, or discipline of a licensee, except as provided in this section. However, any notice or statement of charges against any licensee or applicant, any notice to any licensee or applicant of a hearing in any proceeding, or any decision rendered in connection with a hearing in any proceeding shall be a public record within the meaning of Chapter 132 of the General Statutes, notwithstanding that the documentation may contain information collected and compiled as a result of the investigation, inquiry, or hearing. Identifying information concerning the treatment of or delivery of services to a patient or client who has not consented to the public disclosure of the treatment or services may be deleted. If any record, paper, or other document containing information collected and compiled by or on behalf of the Board is received and admitted in evidence in any hearing before the Board, the documents shall be a public record within the meaning of Chapter 132 of the General Statutes, subject to any deletions of identifying information concerning the

treatment of or delivery of professional services to a patient who has not consented to the public disclosure of the treatment or services.

For purposes of this subsection, "investigative information" includes (i) formal or informal complaints received or information relating to the identity of, or a report made by, another licensee or other person performing an expert review or similar analysis for the Board or (ii) transcripts of any deposition taken or affidavit or statement obtained by Board counsel in preparation for or anticipation of a hearing held pursuant to this Article but not admitted into evidence at the hearing.

(b1) When the Board receives a complaint regarding a licensee's care of a patient, the Board shall determine whether there is reasonable cause to believe that a licensee has violated a statute or rule governing the practice of optometry. In making such determination, the Board shall provide the licensee with a copy of the complaint and ask for a response. If providing a copy of the complaint identifies an anonymous complainant or compromises the integrity of an investigation, the Board shall provide the licensee with a summary of all substantial elements of the complaint. Upon written request of a patient, the Board may provide the patient a licensee's written response to a complaint filed by the patient with the Board regarding the patient's care. Upon written request of a complainant, who is not the patient but is authorized by State and federal law to receive protected health information about the patient, the Board may provide the complainant a licensee's written response to a complaint filed with the Board regarding the patient's care.

(b2) If information in the possession of the Board, its employees, or agents indicates that a crime may have been committed, the Board may report the information to the appropriate law enforcement agency or district attorney of the district in which the offense was committed.

(b3) The Board shall cooperate with and assist a law enforcement agency or district attorney conducting a criminal investigation or prosecution of a licensee by providing information that is relevant to the criminal investigation or prosecution to the investigating agency or district attorney. Information disclosed by the Board to an investigative agency or district attorney remains confidential and may not be disclosed by the investigating agency except as necessary to further the investigation.

(b4) All persons licensed under this Article shall self-report to the Board within 30 days of arrest or indictment any of the following:

(1) Any felony arrest or indictment.

(2) Any arrest for driving while impaired or driving under the influence.

(3) Any arrest or indictment for the possession, use, or sale of any controlled substance.

(c) The Board, its members, attorneys, and staff may release confidential or nonpublic information to any health care licensure board in this State or another state or authorized Department of Health and Human Services personnel with enforcement or investigative responsibilities about (i) the issuance, denial, annulment, suspension, revocation, or other public disciplinary action taken concerning a license, (ii) the voluntary surrender to the Board of a license by a licensee, including the reasons for the action, or (iii) any disciplinary action taken by the Board. The Board shall notify the licensee in writing within 60 days after the information is transmitted. A summary of the information that is being transmitted shall be furnished to the licensee. If the licensee requests in writing within 30 days after being notified that the information has been transmitted, the licensee shall be furnished a copy of all information transmitted but shall be liable for the reasonable expense of the copies. The notice or copies of the information shall not be provided if the information relates to an ongoing criminal investigation by any law enforcement agency or authorized Department of Health and Human Services personnel with enforcement or investigative responsibilities."

SECTION 2. Article 6 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-121.6. Reporting and publication of judgments, awards, payments, and settlements.

(a) All optometrists licensed or applying for licensure by the Board shall report to the Board:

(1) All medical malpractice judgments or awards affecting or involving the optometrist.

(2) All settlements in the amount of seventy-five thousand dollars ($75,000) or more related to an incident of alleged medical malpractice affecting or involving the optometrist where the settlement occurred on or after May 1, 2008.

(3) All settlements in the aggregate amount of seventy-five thousand dollars ($75,000) or more related to any one incident of alleged medical malpractice affecting or involving the optometrist not already reported pursuant to subdivision (2) of this subsection where, instead of a single payment of seventy-five thousand dollars ($75,000) or more occurring on or after May 1, 2008, there is a series of payments made to the same claimant which, in the aggregate, equal or exceed seventy-five thousand dollars ($75,000).

(b) The report required under subsection (a) of this section shall contain the following information:

(1) The date of the judgment, award, payment, or settlement.

(2) The city, state, and country in which the incident occurred that resulted in the judgment, award, payment, or settlement.

(3) The date the incident occurred that resulted in the judgment, award, payment, or settlement.

(c) The Board shall publish on the Board's Web site or other publication information collected under this section. The Board shall publish this information for seven years from the date of the judgment, award, payment, or settlement. The Board shall not release or publish individually identifiable numeric values of the reported judgment, award, payment, or settlement. The Board shall not release or publish the identity of the patient associated with the judgment, award, payment, or settlement. The Board shall allow the optometrist to publish a statement explaining the circumstances that led to the judgment, award, payment, or settlement, and whether the case is under appeal. The Board shall ensure these statements:

(1) Conform to the ethics of optometry.

(2) Not contain individually identifiable numeric values of the judgment, award, payment, or settlement.

(3) Not contain information that would disclose the patient's identity.

(d) The term "settlement" for the purpose of this section includes a payment made from personal funds, a payment by a third party on behalf of the optometrist, or a payment from any other source of funds.

(e) Nothing in this section shall limit the Board from collecting information needed to administer this Article."

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

SENATE BILL 382
Finance Committee Substitute Adopted 5/19/11

Short Title: Required Withholding for Nonresidents. (Public)

Sponsors:

Referred to:

March 22, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE WITHHOLDING OF INCOME TAXES FROM SALES OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY BY NONRESIDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-163.1 reads as rewritten:

"**§ 105-163.1. Definitions.**

The following definitions apply in this Article:

(1) Buyer. – A person who pays compensation to a nonresident individual or nonresident entity for the purchase of real property and associated personal property in this State.

(1a) Compensation. – Consideration a payer or buyer pays to any of the following:

a. A nonresident individual or nonresident entity for personal services performed in this State.

b. An ITIN holder who is a contractor and not an employee for services performed in this State.

c. A nonresident individual or nonresident entity for the purchase of real property and associated tangible personal property located in this State.

...

(14) Withholding agent. – An employer, a pension payer, a buyer, or a payer."

SECTION 2. Article 4A of Chapter 105 of the General Statutes is amended by adding a new section to read:

"**§ 105-163.3A. Buyers must withhold taxes from certain nonresident sellers of real property.**

(a) Requirement. – Every buyer who purchases real estate and associated tangible personal property from either a nonresident individual or nonresident entity must deduct and withhold from compensation paid to the nonresident seller the State income taxes payable by the nonresident seller due to the sale as provided in this section. The taxes a buyer withholds are held in trust for the Secretary. The amount of taxes to be withheld is the least of the following:

(1) Four percent (4%) of the amount realized on the sale as determined under section 1001 of the Code.

(2) The applicable percentage of the gain required to be recognized on the sale under the Code, if the nonresident seller provides the buyer with an affidavit signed under penalty of perjury swearing or affirming to the amount of gain

required to be recognized under the Code from the sale. The applicable percentage is the highest marginal tax rate that could be applied to the nonresident seller based on whether the nonresident seller is taxed as a corporation or an individual.

(3) The entire net proceeds payable to the nonresident seller.

(b) Installment Sales. – In the case of any sale otherwise subject to this section that qualifies as an installment sale within the meaning of section 453(b) of the Code, the provisions of subsection (a) of this section shall be separately applied to each principal payment to be made under the terms of the installment sale agreement between the parties. In determining the amounts to be withheld under this subsection, the amount realized on the sale shall be considered to be the principal payment, and the gain required to be recognized under the Code shall be considered to be the same proportion of each principal payment as the gain required to be recognized under the Code bears to the amount realized on the sale overall.

(c) Exemptions. – The withholding requirement does not apply to the purchase of the following:

(1) Real property and any associated tangible personal property sold by one of the following types of entities that is not subject to tax under Article 4 of this Chapter:

a. A unit of federal, State, or local government.

b. A nonprofit.

c. An insurance company.

(2) Real property that is a principal residence of the nonresident seller within the meaning of section 121 of the Code and any associated tangible personal property.

(3) Real property transferred pursuant to a foreclosure of a mortgage deed of trust or other lien instrument or pursuant to a deed in lieu of foreclosure.

(d) Return and Statement. – A buyer must file a return with the Secretary on a form prescribed by the Secretary and in the manner prescribed by the Secretary. The buyer must pay the withheld taxes to the Secretary on or before the 15th day of the month following the month in which the sale takes place. A buyer required to deduct and withhold from a nonresident seller's compensation under this section must provide the seller a written statement of the information contained in the return by the due date of the return. The following information is required on the return:

(1) The buyer's name and address.

(2) The seller's name, address, and taxpayer identification number.

(3) The total amount realized on the sale.

(4) The total amount of gain recognized if the seller provides an affidavit under subdivision (a)(2) of this section.

(5) The entire net proceeds paid to the nonresident seller.

(6) The total amount deducted and withheld under this section.

(e) Buyer May Repay Amounts Withheld Improperly. – A buyer may refund to a person any amount the buyer withheld improperly from the person under this section if the refund is made before the end of the calendar year, before the buyer furnishes the person the statement required by subsection (d) of this section, and before the buyer submits the payment and return to the Secretary. An amount is withheld improperly if it is withheld from a payment to a person who is not a nonresident individual or nonresident entity, if it is withheld from a payment that is not compensation, or if it is in excess of the amount required to be withheld under this section.

(f) Records. – A buyer may rely on an affidavit provided by the seller that states that withholding is not required under this section because the seller is not a nonresident individual or nonresident entity. The affidavit must be made under penalty of perjury."

SECTION 3. This act becomes effective January 1, 2012, and applies to sales made on or after that date.

SENATE BILL 416
Second Edition Engrossed 3/31/11

Short Title:	School Buses/State Vehicles/Tires.	(Public)
Sponsors:	Senators Harrington, Rabon, Forrester; Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Gunn, Hartsell, Hise, Hunt, Jackson, Jenkins, Mansfield, McKissick, Meredith, Pate, Preston, Soucek, Stevens, Tillman, and Tucker.	
Referred to:	Transportation.	

March 24, 2011

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE STATE AND LOCAL BOARDS OF EDUCATION SHALL USE THE MOST COST-EFFICIENT TIRE RETREADS ON AND PRESERVE CRITICAL TIRE INFORMATION FOR STATE VEHICLES AND SCHOOL BUSES, RESPECTIVELY.

Whereas, on April 1, 2007, the Joint Legislative Transportation Oversight Committee contracted with Smithers Scientific Services of Akron, Ohio, to conduct a comparative analysis of quality, safety, and cost-effectiveness for the types of retread processes purchased through the State's statewide contract; and

Whereas, the final Smithers report, which was delivered on April 10, 2008, indicated that approximately 80% to 85% of the U.S. market for tire retreads is of the pre-cure type and approximately 15% to 20% is of the mold-cure type; and

Whereas, the final Smithers report indicated that the percentage of the bead-to-bead type of tire retread, which is a subset of the mold-cure type, in the U.S. market is "very small" and "unusual"; and

Whereas, the final Smithers report indicated that the retread tires with the lowest cost per mile is the pre-cure type and not the mold-cure type; and

Whereas, the bead-to-bead retread process removes critical tire information from the original tire sidewall, including tire brand name, tire line name, tire identification numbers, load and pressure markings, tire size designation, service descriptions such as load and speed ratings, and other specifications placed by the original manufacturer on the original tire sidewall; and

Whereas, the removal of critical tire information from the original tire sidewall can void the tire warranty, disallow identification of original tires in the case of a manufacturer recall, or disallow the identification of original tires in case of a tire-related accident; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 143 of the General Statutes is amended by adding a new section to read as follows:

"**§ 143-63.2. Purchase of tires for State vehicles; repair or refurbishment of tires for State vehicles.**

(a) Definitions. – The following terms apply in this section:

(1) State vehicle. – Any vehicle owned, rented, or leased by the State, or an institution, department, or agency of the State, that is driven on a public road consistently at speeds greater than 30 miles per hour.

(2) Critical tire information. – Tire brand name, tire line name, tire identification numbers, load and pressure markings, tire size designation, service descriptions such as load and speed ratings, and other information and specifications placed on the original tire sidewall by the original tire manufacturer.

(b) Forensic Tire Standards. – In order to preserve critical tire information, the Secretary of Administration and any institution, department, or agency of the State shall only procure and install tires for State vehicles that possess the original, unaltered, and uncovered tire sidewall. Furthermore, neither the Secretary of Administration nor any institution, department, or agency of the State shall execute a contract for the repair or refurbishment of tires for State vehicles that provides for the removal, covering, or other alteration in any manner of the critical tire information contained on the original tire sidewall.

(c) Tire Purchase and Contract Standards Applicability. – All contracts for the purchase, repair, or refurbishment of tires for State vehicles, or contracts for the purchase of products or services related to the repair or refurbishment of tires for State vehicles, executed on or after the date this section becomes effective shall comply with the provisions of this section.

(d) Exemption. – Notwithstanding the provisions of this section, the State or any institution, department, or agency of the State that owns or has a legally binding contract in place for the future purchase of tires having altered or covered sidewalls prior to the date that this section becomes effective shall perform its existing contractual obligations related thereto and may continue to use those tires on State vehicles for the useful life of the retreaded tire."

SECTION 2. Article 17 of Chapter 115C of the General Statutes is amended by adding a new section to read as follows:

"**§ 115C-249.1. Purchase of tires for school buses; repair or refurbishment of tires for school buses.**

(a) Definitions. – The following terms apply in this section:

(1) School bus. – A vehicle as defined in G.S. 20-4.01(27)d3. and G.S. 20-4.01(27)d4. that is owned, rented, or leased by a local board of education.

(2) Critical tire information. – Tire brand name, tire line name, tire identification numbers, load and pressure markings, tire size designation, service descriptions such as load and speed ratings, and other information and specifications placed on the original tire sidewall by the original tire manufacturer.

(b) Forensic Tire Standards. – In order to preserve critical tire information, a local board of education shall only procure and install tires for school buses that possess the original, unaltered, and uncovered tire sidewall. Furthermore, a local board of education shall not execute a contract for the repair or refurbishment of tires for school buses that provides for the removal, covering, or other alteration in any manner of the critical tire information contained on the original tire sidewall.

(c) Tire Purchase and Contract Standards Applicability. – All contracts for the purchase, repair, or refurbishment of tires for school buses, or contracts for the purchase of products or services related to the repair or refurbishment of tires for school buses, executed on or after the date this section becomes effective shall comply with the provisions of this section.

(d) Exemption. – Notwithstanding the provisions of this section, a local board of education that owns or has a legally binding contract in place for the future purchase of tires having altered or covered sidewalls prior to the date that this section becomes effective shall

perform its existing contractual obligations related thereto and may continue to use those tires on school buses for the useful life of the retreaded tire."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 661
Program Evaluation Committee Substitute Adopted 5/10/11

Short Title: License Plate Agency Contracts. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

The General Assembly of North Carolina enacts:

SECTION 1. The Program Evaluation Division of the General Assembly shall study and evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program, authorized in G.S. 20-63(h), to determine the cost-effectiveness and savings that can be effected by changing or maintaining the current operating procedures and to develop any plans or practices that, if implemented, would result in increased operating efficiency of the Division of Motor Vehicles' Commission Contract program.

SECTION 2. The Program Evaluation Division shall submit its findings and recommendations for Section 1 of this act to the Joint Legislative Program Evaluation Oversight Committee, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee. The Joint Legislative Program Evaluation Oversight Committee shall submit any recommendations based upon the study to the 2012 Regular Session of the 2011 General Assembly.

SECTION 3. The Commissioner of Motor Vehicles shall not cancel any Commission contracts for any reason other than malfeasance, misfeasance, or nonfeasance of the Commission contractor until the 2011 General Assembly adjourns sine die.

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

S 1

SENATE BILL 710

Short Title:	Swine and Poultry Waste RECs.	(Public)
Sponsors:	Senators Rucho; and Hise.	
Referred to:	Agriculture/Environment/Natural Resources.	

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW RENEWABLE ENERGY CERTIFICATES (RECS) DERIVED FROM THE THERMAL ENERGY OUTPUT OF COMBINED HEAT AND POWER FACILITIES THAT USE SWINE WASTE OR POULTRY WASTE AS A FUEL TO MEET THE REQUIREMENTS OF THE SWINE WASTE SET-ASIDE AND THE POULTRY WASTE SET-ASIDE.

The General Assembly of North Carolina enacts:

SECTION 1. Legislative Findings. – The General Assembly makes the following findings regarding the need to allow renewable energy certificates (RECs) derived from the thermal energy output of combined heat and power facilities that use swine waste or poultry waste as a fuel to meet the requirements of the swine waste set-aside under G.S. 62-133.8(e) (Compliance With REPS Requirements Through the Use of Swine Waste Resources) and the poultry waste set-aside under G.S. 62-133.8(f) (Compliance With REPS Requirements Through the Use of Poultry Waste Resources):

(1) The electric power suppliers have experienced considerable difficulty in procuring sufficient electricity derived from the use of swine waste and poultry waste at a reasonable cost to meet the especially restrictive language of the swine waste set-aside and the poultry waste set-aside.

(2) The public interest of the State will be served by providing a cost-effective option for the electric power suppliers to use in order to comply with the swine waste set-aside and the poultry waste set-aside.

(3) The State and the public will benefit directly from reduced process steam costs to North Carolina businesses, which will help North Carolina businesses remain competitive and viable.

(4) The State and the public will benefit directly from diversifying the State's viable generation resource options, which utilize indigenous North Carolina resources to foster development of renewable projects in the State and encourage investment in new renewable projects.

(5) The health and safety of the citizens of the State will be served through improving air quality and water quality through the controlled destruction of methane, the capture of organic residuals, and addressing the very important environmental concern involving the current disposal practice of land application of swine waste and poultry waste, which poses an ever increasing threat of pollution and contamination of the waters of the State.

SECTION 2. G.S. 62-133.8 reads as rewritten:

"**§ 62-133.8. Renewable Energy and Energy Efficiency Portfolio Standard (REPS).**

...

(e) Compliance With REPS Requirement Through Use of Swine Waste Resources. – For calendar year 2018 and for each calendar year thereafter, at least two-tenths of one percent (0.2%) of the total electric power in kilowatt hours sold to retail electric customers in the State or an equivalent amount of energy shall be supplied, or contracted for supply in each year, by swine waste. The electric power suppliers, in the aggregate, shall comply with the requirements of this subsection according to the following schedule:

Calendar Year	Requirement for Swine Waste Resources
2012	0.07%
2015	0.14%
2018	0.20%

(f) Compliance With REPS Requirement Through Use of Poultry Waste Resources. – For calendar year 2014 and for each calendar year thereafter, at least 900,000 megawatt hours of the total electric power sold to retail electric customers in the State or an equivalent amount of energy shall be supplied, or contracted for supply in each year, by poultry waste combined with wood shavings, straw, rice hulls, or other bedding material. The electric power suppliers, in the aggregate, shall comply with the requirements of this subsection according to the following schedule:

Calendar Year	Requirement for Poultry Waste Resources
2012	170,000 megawatt hours
2013	700,000 megawatt hours
2014	900,000 megawatt hours

...."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 710
PROPOSED HOUSE COMMITTEE SUBSTITUTE S710-CSSB-53 [v.1]

6/14/2011 12:29:19 PM

Short Title: Poultry Waste RECs. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW RENEWABLE ENERGY CERTIFICATES (RECS) DERIVED FROM THE THERMAL ENERGY OUTPUT OF COMBINED HEAT AND POWER FACILITIES THAT USE POULTRY WASTE AS A FUEL TO MEET THE REQUIREMENTS OF THE POULTRY WASTE SET-ASIDE.

The General Assembly of North Carolina enacts:

SECTION 1. Legislative Findings. – The General Assembly makes the following findings regarding the need to allow renewable energy certificates (RECs) derived from the thermal energy output of combined heat and power facilities that use poultry waste as a fuel to meet the requirements of the poultry waste set-aside under G.S. 62-133.8(f) (Compliance With REPS Requirements Through the Use of Poultry Waste Resources):

(1) The electric power suppliers have experienced considerable difficulty in procuring sufficient electricity derived from the use of poultry waste at a reasonable cost to meet the especially restrictive language of the poultry waste set-aside.

(2) The public interest of the State will be served by providing a cost-effective option for the electric power suppliers to use in order to comply with the poultry waste set-aside.

(3) The State and the public will benefit directly from reduced process steam costs to North Carolina businesses, which will help North Carolina businesses remain competitive and viable.

(4) The State and the public will benefit directly from diversifying the State's viable generation resource options, which utilize indigenous North Carolina resources to foster development of renewable projects in the State and encourage investment in new renewable projects.

(5) The health and safety of the citizens of the State will be served through improving air quality and water quality through the controlled destruction of methane, the capture of organic residuals, and addressing the very important environmental concern involving the current disposal practice of land application of poultry waste, which poses an ever increasing threat of pollution and contamination of the waters of the State.

SECTION 2. G.S. 62-133.8(f) reads as rewritten:

(f) Compliance With REPS Requirement Through Use of Poultry Waste Resources. – For calendar year 2014 and for each calendar year thereafter, at least 900,000 megawatt hours of the total electric power sold to retail electric customers in the State or an equivalent amount of energy shall be supplied, or contracted for supply in each year, by poultry waste combined with wood shavings, straw, rice hulls, or other bedding material. The electric power suppliers, in the aggregate, shall comply with the requirements of this subsection according to the following schedule:

Calendar Year	Requirement for Poultry Waste Resources
2012	170,000 megawatt hours
2013	700,000 megawatt hours
2014	900,000 megawatt hours"

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 205

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

S205-ATG-187 [v.1]

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____,2011

Representative Luebke

moves to amend the bill on page 2, lines 14-22, by rewriting those lines to read:

"(d) Nondiscrimination. – This section shall be enforced without regard to race, color, religion, gender, ethnicity, age, disability, or national origin.

(e) Exception. – This section shall not apply to applications for a federal public benefit for which lawful presence in the United States is not required."; and

on page 3, lines 1 through 9, by rewriting those lines to read:

"(d) Nondiscrimination. – This section shall be enforced without regard to race, color, religion, gender, ethnicity, age, disability, or national origin.

(e) Exception. – This section shall not apply to applications for a State or local public benefit for which lawful presence in the United States is not required.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 2nd

H. B. No. _____ DATE 6/14/2011

S. B. No. 205 Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Sen.) Moore

moves to amend the bill on page 2, line 14

( ) WHICH CHANGES THE TITLE

by adding the following at the end of the line:

" to the U.S. Immigration and Customs Enforcement agency" ;

and on page 3, line 1, by adding the following at the end of the line:

" to the U.S. Immigration and Customs Enforcement agency".

SIGNED _____

ADOPTED X FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

ROLL CALL VOTE

12 YES 7 NO = 19 (TOTAL)

HB# ____
SB# 205

HOUSE STANDING COMMITTEE ON Rules

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
X		LaRoque			
X		T. Moore			
		Owens			
		Rhyne			
	X	M. Alexander			
X		Blust			
		Crawford			
X		Daughtry			
X		Faison			
	X	Farmer-Butterfield			
X		Folwell			
X		Gillespie			
	X	Hackney			
	X	Hill			
X		Hilton			
	X	Jeffus			
		Johnson			
	X	Luebke			
X		McComas			
X		Moffitt			
	X	Parmon			
X		Samuelson			
		Stam			
X		Stone			

12 7 NOS

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 349
PROPOSED HOUSE COMMITTEE SUBSTITUTE S349-CSTH-10 [v.1]

6/14/2011 2:33:15 PM

Short Title: Confidentiality/Optometry/RE Closing Int. (Public)

Sponsors:

Referred to:

March 16, 2011

A BILL TO BE ENTITLED

AN ACT WHICH ALLOWS THE NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY TO CONSIDER CERTAIN INVESTIGATIVE INFORMATION AS CONFIDENTIAL, REQUIRES LICENSEES TO COOPERATE WITH LAW ENFORCEMENT AGENCIES, AND REQUIRES LICENSEES TO SELF-REPORT CERTAIN INDICTMENTS, ARRESTS, MEDICAL JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS; AND TO REQUIRE THAT INTEREST EARNED ON REAL ESTATE SETTLEMENT FUNDS HELD IN TRUST OR ESCROW ACCOUNTS BE PAID INTO THE NORTH CAROLINA STATE BAR'S INTEREST ON LAWYERS' TRUST ACCOUNT FUND AND TO PROVIDE FOR A PRIVATE CAUSE OF ACTION FOR PERSONS HARMED BY THE UNAUTHORIZED PRACTICE OF LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-121.5. Confidentiality of investigative information; cooperation with law enforcement; self-reporting requirements.**

(a) The Board may, in a closed session, receive information or evidence involving or concerning the treatment of a patient who has not expressly or impliedly consented to the public disclosure of the treatment when necessary for the protection of the rights of the patient or the accused licensee and the full presentation of relevant evidence.

(b) All records, papers, investigative files, investigative notes, reports, other investigative information, and other documents containing information in the possession of or received, gathered, or completed by the Board, its members, staff, employees, attorneys, or consultants as a result of investigations, inquiries, assessments, or interviews conducted in connection with a license, complaint, assessment, potential impairment, disciplinary matter, or report of professional liability insurance awards or settlements shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Such documents are privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than the Board or its employees or consultants involved in the application for licensure, impairment assessment, or discipline of a licensee, except as provided in this section. However, any notice or statement of charges against any licensee or applicant, any notice to any licensee or applicant of a hearing in any proceeding, or

any decision rendered in connection with a hearing in any proceeding shall be a public record within the meaning of Chapter 132 of the General Statutes, notwithstanding that the documentation may contain information collected and compiled as a result of the investigation, inquiry, or hearing. Identifying information concerning the treatment of or delivery of services to a patient or client who has not consented to the public disclosure of the treatment or services may be deleted. If any record, paper, or other document containing information collected and compiled by or on behalf of the Board is received and admitted in evidence in any hearing before the Board, the documents shall be a public record within the meaning of Chapter 132 of the General Statutes, subject to any deletions of identifying information concerning the treatment of or delivery of professional services to a patient who has not consented to the public disclosure of the treatment or services.

For purposes of this subsection, "investigative information" includes (i) formal or informal complaints received or information relating to the identity of, or a report made by, another licensee or other person performing an expert review or similar analysis for the Board or (ii) transcripts of any deposition taken or affidavit or statement obtained by Board counsel in preparation for or anticipation of a hearing held pursuant to this Article but not admitted into evidence at the hearing.

(b1) When the Board receives a complaint regarding a licensee's care of a patient, the Board shall determine whether there is reasonable cause to believe that a licensee has violated a statute or rule governing the practice of optometry. In making such determination, the Board shall provide the licensee with a copy of the complaint and ask for a response. If providing a copy of the complaint identifies an anonymous complainant or compromises the integrity of an investigation, the Board shall provide the licensee with a summary of all substantial elements of the complaint. Upon written request of a patient, the Board may provide the patient a licensee's written response to a complaint filed by the patient with the Board regarding the patient's care. Upon written request of a complainant, who is not the patient but is authorized by State and federal law to receive protected health information about the patient, the Board may provide the complainant a licensee's written response to a complaint filed with the Board regarding the patient's care.

(b2) If information in the possession of the Board, its employees, or agents indicates that a crime may have been committed, the Board may report the information to the appropriate law enforcement agency or district attorney of the district in which the offense was committed.

(b3) The Board shall cooperate with and assist a law enforcement agency or district attorney conducting a criminal investigation or prosecution of a licensee by providing information that is relevant to the criminal investigation or prosecution to the investigating agency or district attorney. Information disclosed by the Board to an investigative agency or district attorney remains confidential and may not be disclosed by the investigating agency except as necessary to further the investigation.

(b4) All persons licensed under this Article shall self-report to the Board within 30 days of arrest or indictment any of the following:

(1) Any felony arrest or indictment.

(2) Any arrest for driving while impaired or driving under the influence.

(3) Any arrest or indictment for the possession, use, or sale of any controlled substance.

(c) The Board, its members, attorneys, and staff may release confidential or nonpublic information to any health care licensure board in this State or another state or authorized Department of Health and Human Services personnel with enforcement or investigative responsibilities about (i) the issuance, denial, annulment, suspension, revocation, or other public disciplinary action taken concerning a license, (ii) the voluntary surrender to the Board of a license by a licensee, including the reasons for the action, or (iii) any disciplinary action

taken by the Board. The Board shall notify the licensee in writing within 60 days after the information is transmitted. A summary of the information that is being transmitted shall be furnished to the licensee. If the licensee requests in writing within 30 days after being notified that the information has been transmitted, the licensee shall be furnished a copy of all information transmitted but shall be liable for the reasonable expense of the copies. The notice or copies of the information shall not be provided if the information relates to an ongoing criminal investigation by any law enforcement agency or authorized Department of Health and Human Services personnel with enforcement or investigative responsibilities."

SECTION 2. Article 6 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-121.6. Reporting and publication of judgments, awards, payments, and settlements.**

(a) All optometrists licensed or applying for licensure by the Board shall report to the Board:

(1) All medical malpractice judgments or awards affecting or involving the optometrist.

(2) All settlements in the amount of seventy-five thousand dollars ($75,000) or more related to an incident of alleged medical malpractice affecting or involving the optometrist where the settlement occurred on or after May 1, 2008.

(3) All settlements in the aggregate amount of seventy-five thousand dollars ($75,000) or more related to any one incident of alleged medical malpractice affecting or involving the optometrist not already reported pursuant to subdivision (2) of this subsection where, instead of a single payment of seventy-five thousand dollars ($75,000) or more occurring on or after May 1, 2008, there is a series of payments made to the same claimant which, in the aggregate, equal or exceed seventy-five thousand dollars ($75,000).

(b) The report required under subsection (a) of this section shall contain the following information:

(1) The date of the judgment, award, payment, or settlement.

(2) The city, state, and country in which the incident occurred that resulted in the judgment, award, payment, or settlement.

(3) The date the incident occurred that resulted in the judgment, award, payment, or settlement.

(c) The Board shall publish on the Board's Web site or other publication information collected under this section. The Board shall publish this information for seven years from the date of the judgment, award, payment, or settlement. The Board shall not release or publish individually identifiable numeric values of the reported judgment, award, payment, or settlement. The Board shall not release or publish the identity of the patient associated with the judgment, award, payment, or settlement. The Board shall allow the optometrist to publish a statement explaining the circumstances that led to the judgment, award, payment, or settlement, and whether the case is under appeal. The Board shall ensure these statements:

(1) Conform to the ethics of optometry.

(2) Not contain individually identifiable numeric values of the judgment, award, payment, or settlement.

(3) Not contain information that would disclose the patient's identity.

(d) The term "settlement" for the purpose of this section includes a payment made from personal funds, a payment by a third party on behalf of the optometrist, or a payment from any other source of funds.

(e) Nothing in this section shall limit the Board from collecting information needed to administer this Article."

SECTION 3. Chapter 45A of the General Statutes is amended by adding the following new section to read:

"**§ 45A-9. Interest on settlement agent's real estate trust and escrow accounts.**

(a) A settlement agent who maintains a trust or escrow account for purposes of receiving and disbursing closing funds and loan funds shall pay any interest earned on funds held in those accounts to the North Carolina State Bar to be used for the purposes authorized by the North Carolina State Bar under the Interest on Lawyers' Trust Account Program.

(b) The North Carolina State Bar shall adopt rules for the collection and disbursement of funds required to be paid to the North Carolina State Bar under subsection (a) of this section."

SECTION 4. G.S. 84-8 reads as rewritten:

"**§ 84-8. Punishment for ~~violations; legal clinics of law schools and certain law students and lawyers excepted.~~violations.**

(a) Any person, corporation, or association of persons violating any of the provisions of G.S. 84-4 ~~to G.S. 84-7~~through G.S. 84-6 or G.S. 84-9 shall be guilty of a Class 1 misdemeanor.

(b) No person shall be entitled to collect any fee for services performed in violation of G.S. 84-4 through G.S. 84-6, G.S. 84-9, or G.S. 84-10.1.

~~The provisions of G.S. 84-4 to G.S. 84-7 shall not apply to the following:~~

~~(1) Any law school conducting a legal clinic and receiving as its clientage only those persons unable financially to compensate for legal advice or services rendered and any law student permitted by the North Carolina State Bar to act as a legal intern in such a legal clinic.~~

~~(2) Any law student permitted by the North Carolina State Bar to act as a legal intern for a federal, state, or local government agency.~~

~~(3) Any lawyer licensed by another state and permitted by the North Carolina State Bar to represent indigent clients on a pro bono basis under the supervision of active members employed by nonprofit corporations qualified to render legal services pursuant to G.S. 84-5.1. This provision does not apply to a lawyer whose license has been suspended or revoked in any state.~~"

SECTION 5. Article 1 of Chapter 84 of the General Statutes is amended by adding a new section to read:

"**§ 84-7.1. Legal clinics of law schools and certain law students and lawyers excepted.**

The provisions of G.S. 84-4 through G.S. 84-6 shall not apply to any of the following:

(1) Any law school conducting a legal clinic and receiving as its clientage only those persons unable financially to compensate for legal advice or services rendered and any law student permitted by the North Carolina State Bar to act as a legal intern in such a legal clinic.

(2) Any law student permitted by the North Carolina State Bar to act as a legal intern for a federal, state, or local government agency.

(3) Any lawyer licensed by another state and permitted by the North Carolina State Bar to represent indigent clients on a pro bono basis under the supervision of active members employed by nonprofit corporations qualified to render legal services pursuant to G.S. 84-5.1. This provision does not apply to a lawyer whose license has been suspended or revoked in any state."

SECTION 6. G.S. 84-10 is repealed.

SECTION 7. Article 1 of Chapter 84 of the General Statutes is amended by adding a new section to read:

"**§ 84-10.1. Private cause of action for the unauthorized practice of law.**

If any person knowingly violates any of the provisions of G.S. 84-4 through G.S. 84-6 or G.S. 84-9, fraudulently holds himself or herself out as a North Carolina certified paralegal by

use of the designations set forth in G.S. 84-37(a), or knowingly aids and abets another person to commit the unauthorized practice of law, in addition to any other liability imposed pursuant to this Chapter or any other applicable law, any person who is damaged by the unlawful acts set out in this section shall be entitled to maintain a private cause of action to recover damages and reasonable attorneys' fees."

SECTION 8. G.S. 84-21 reads as rewritten:

"**§ 84-21. Organization of Council; publication of rules, regulations and bylaws.**

(a) The Council shall adopt the rules pursuant to G.S. 45A-9.

(b) The rules and regulations adopted by the Council under this Article may be amended by the Council from time to time in any manner not inconsistent with this Article. Copies of all rules and regulations and of all amendments adopted by the Council shall be certified to the Chief Justice of the Supreme Court of North Carolina, entered by the North Carolina Supreme Court upon its minutes, and published in the next ensuing number of the North Carolina Reports and in the North Carolina Administrative Code: Provided, that the court may decline to have so entered upon its minutes any rules, regulations and amendments which in the opinion of the Chief Justice are inconsistent with this Article."

SECTION 9. Section 7 of this act becomes effective October 1, 2011. Sections 3 and 8 of this act become effective January 1, 2012. Sections 4, 5, and 6 of this act become effective December 1, 2011, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 322*

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

S322-ATG-184 [v.1]

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____,2011

Representative _____

moves to amend the bill on page 1, line 33, by deleting the line and substituting the following:

""**§ 145-36. State sport.**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 322*

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

S322-ATG-184 [v.1]

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____,2011

Representative _____

moves to amend the bill on page 1, line 33, by deleting the line and substituting the following:

""**§ 145-36. State sport.**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 205

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

S205-ATG-187 [v.1]

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____,2011

Representative Luebke

moves to amend the bill on page 2, lines 14-22, by rewriting those lines to read:

"(d) Nondiscrimination. – This section shall be enforced without regard to race, color, religion, gender, ethnicity, age, disability, or national origin.

(e) Exception. – This section shall not apply to applications for a federal public benefit for which lawful presence in the United States is not required."; and

on page 3, lines 1 through 9, by rewriting those lines to read:

"(d) Nondiscrimination. – This section shall be enforced without regard to race, color, religion, gender, ethnicity, age, disability, or national origin.

(e) Exception. – This section shall not apply to applications for a State or local public benefit for which lawful presence in the United States is not required.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 488
Judiciary I Committee Substitute Adopted 5/2/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S488-CSTG-38 [v.2]

Short Title: Landlord Notice NC Bar/Homeowner-buyer prot. (Public)

Sponsors:

Referred to:

April 4, 2011

A BILL TO BE ENTITLED

AN ACT REQUIRING LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES AND AMENDING THE HOMEOWNER AND HOMEBUYER PROTECTION ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 42 of the General Statutes is amended by adding a new section to read as follows:

"**§ 42-14.4. Notice to State Bar of attorney default on lease.**

(a) If a landlord has actual knowledge that a tenant is an attorney, the landlord shall deliver notice to the North Carolina State Bar (hereinafter "State Bar") at least 15 days prior to the destruction or discard of any "potentially confidential materials" remaining in the premises after the landlord obtains possession of the premises, whether by summary ejectment under Article 3 of this Chapter or by any other means, including the tenant vacating the premises. For purposes of this section, the term "potentially confidential materials" means client files, trust or operating account records, or other materials relating to client matters. For purposes of this section, the term "landlord" means any owner and any rental management company, rental agency, or any other person having the actual or apparent authority of an agent to perform the duties imposed by this Article. The landlord's notice to the State Bar shall contain the name of the attorney who is presumed to be the tenant, the location of the potentially confidential materials, and a phone number, address, or other means to contact the landlord. During the 15-day period after notice, a landlord may move for storage purposes, but shall not throw away, dispose of, or sell, potentially confidential materials remaining in the premises.

(b) The State Bar or its designee may take possession of the materials, at its sole expense, within the 15-day period provided for in subsection (a) of this section without the necessity of a court order. Upon the request of the State Bar, the landlord shall cooperate with and allow the State Bar to take possession of the potentially confidential materials, and the landlord shall not be liable in any way to the tenant for his or her cooperation. However, if the tenant elects to take possession of the potentially confidential materials prior to the State Bar obtaining possession of them, and there is no court order to the contrary having been previously delivered to the landlord, the landlord may deliver possession of the potentially confidential materials to the tenant and shall promptly notify the State Bar of his or her actions. If neither

the State Bar nor its designee takes possession of the potentially confidential materials within the 15-day period provided for in subsection (a) of this section, the landlord may destroy or discard the materials in accordance with the lease agreement with the defaulting tenant.

(c) A landlord that attempts in good faith to comply with the requirements of this section shall not be liable for losses to any person arising directly or indirectly out of the disposal of any potentially confidential materials. Failure to comply with this section shall not constitute an unfair trade practice under G.S. 75-1.1."

SECTION 2. G.S. 44A-2 is amended by adding a new subsection to read as follows:

"(h) Any landlord of nonresidential property, including any storage or self-storage space, in which potentially confidential materials, as that term is defined in G.S. 42-14.4(a), remain after the landlord has obtained possession of the property, must provide notice to the North Carolina State Bar and comply with the provisions of G.S. 42-14.4, if the landlord has actual knowledge that the former tenant is an attorney. Potentially confidential materials shall not be the subject of a lien under the provisions of this Article."

SECTION 3. G.S. 47G-1 reads as rewritten:

"**§ 47G-1. Definitions.**

The following definitions apply in this Chapter:

(1) Covered lease ~~agreement or lease~~ agreement. – A residential lease agreement ~~that is combined with, or is executed concurrently with, an option contract.~~ in which all or some portion of the rental payments made are applied to the purchase price of the real property which is the subject of the covered lease agreement and the covered option contract.

....

(4) Option contract or contract. – An option contract for the purchase of property that includes or is combined with, or is executed in conjunction with, a covered lease ~~agreement.~~agreement or covered lease-equity agreement. The term does not include a contract that provides for the delivery of a deed from the seller to the purchaser within 180 days of the date of the final execution of the option contract.

(5) Option fee. – Any payment, however denominated, made by the option purchaser to the option seller that constitutes the price the option purchaser pays for the right to buy the property at a specified price in the future. No option fee in an amount less than or equal to five percent (5%) of the total purchase price shall constitute equity and such payment shall not in and of itself create an equity of redemption.

..."

SECTION 4. G.S. 47G-7 reads as rewritten:

"**§ 47G-7. Remedies.**

~~A violation of any provision of this Chapter constitutes an unfair trade practice under G.S. 75-1.1.~~ An option purchaser may bring an action for the recovery of damages, to void a transaction executed in violation of this Chapter, as well as for declaratory or equitable relief for a violation of this Chapter. The rights and remedies provided herein are cumulative to, and not a limitation of, any other rights and remedies provided by law or ~~equity.~~ equity, including G.S. 75-1.1. Nothing in this Chapter shall be construed to subject an individual homeowner selling his or her primary residence directly to an option purchaser to liability under G.S. 75-1.1."

SECTION 5. G.S. 47H-8 reads as rewritten:

"**§ 47H-8. Remedies.**

~~A violation of any provision of this Chapter constitutes an unfair trade practice under G.S. 75-1.1.~~ A purchaser may bring an action for the recovery of damages, to rescind a

transaction, as well as for declaratory or equitable relief, for a violation of this Chapter. The rights and remedies provided herein are cumulative to, and not a limitation of, any other rights and remedies provided by law or ~~equity.~~ equity, including G.S. 75-1.1. Nothing in this Chapter shall be construed to subject an individual homeowner selling his or her primary residence directly to a buyer to liability under G.S. 75-1.1."

SECTION 6. Sections 3, 4, and 5 of this act become effective October 1, 2011, and apply to transactions entered on or after that date. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 260
State and Local Government Committee Substitute Adopted 6/7/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S260-PCS35291-TH-11

Short Title: Pitt County School Board Election. (Local)

Sponsors:

Referred to:

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO ADD AN AT-LARGE MEMBER, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 193 of the 1987 Session Laws reads as rewritten:

"**Section 1.** Beginning ~~December 7, 1987,~~ December 1, 2014, the Pitt County Board of Education shall consist of ~~12 members, with two~~ seven members, one of whom is elected at large and one each elected from six districts in nonpartisan plurality elections. Only voters residing in a district may vote for the members from that district."

SECTION 2. Section 4 of Chapter 193 of the 1987 Session Laws reads as rewritten:

"**Sec. 4.** ~~After the initial election, elections~~ Other than for the at-large member elected in 2014, elections shall be held in ~~1990 and subsequent even-numbered years~~ 2016 and quadrennially thereafter as terms expire, at the time set by general State law for the election of county boards of education. Members elected in ~~1990~~ 2016 and subsequent years shall take office at the time set by general State law and shall serve for terms of ~~six~~ four years."

SECTION 3. In the 2014 election, one member shall be elected at large for a two-year term. No election shall be held for full terms of district members of the Pitt County Board of Education in 2014 so as to reduce the total number of members from 12 to seven. This act does not affect the terms of office of members elected for six-year terms in 2008.

SECTION 4. Sections 1 through 3 of this act become effective only if approved by a majority of the qualified voters of the County of Pitt in a referendum. The election shall be conducted by the Pitt County Board of Elections in the 2012 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Reducing the size of the Pitt County Board of Education from 12 to seven members, to provide for four-year terms rather than six-year terms, and to add an at-large member."

SECTION 5. If a majority of the votes cast are in favor of the question, Sections 1 through 3 of this act become effective as provided therein.



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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 260
State and Local Government Committee Substitute Adopted 6/7/11

Short Title: Pitt County School Board Election. (Local)

Sponsors:

Referred to:

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS AND TO ADD AN AT-LARGE MEMBER.

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SECTION 3. In the 2014 election, one member shall be elected at large for a two-year term. No election shall be held for full terms of district members of the Pitt County Board of Education in 2014 so as to reduce the total number of members from 12 to 7. This act does not affect the terms of office of members elected for six-year terms in 2008.

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 260 A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS AND TO ADD AN AT-LARGE MEMBER.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 260 A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS AND TO ADD AN AT-LARGE MEMBER.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 488

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

S488-ATG-193 [v.1]

Comm. Sub. [YES]
Amends Title [NO]
S488-CSTG-38

Date _____,2011

Senator _____

moves to amend the bill on page 1, lines 4-5, by rewriting those lines to read:
"PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES.";

and on page 2, line 16 through page 3, line 8, by rewriting those lines to read:
"**SECTION 3.** This act is effective when it becomes law ".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 382
Finance Committee Substitute Adopted 5/19/11

Short Title: Required Withholding for Nonresidents. (Public)

Sponsors:

Referred to:

March 22, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE WITHHOLDING OF INCOME TAXES FROM SALES OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY BY NONRESIDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-163.1 reads as rewritten:

"**§ 105-163.1. Definitions.**

The following definitions apply in this Article:

(1) Buyer. – A person who pays compensation to a nonresident individual or nonresident entity for the purchase of real property and associated personal property in this State.

(1a) Compensation. – Consideration a payer or buyer pays to any of the following:

a. A nonresident individual or nonresident entity for personal services performed in this State.

b. An ITIN holder who is a contractor and not an employee for services performed in this State.

c. A nonresident individual or nonresident entity for the purchase of real property and associated tangible personal property located in this State.

...

(14) Withholding agent. – An employer, a pension payer, a buyer, or a payer."

SECTION 2. Article 4A of Chapter 105 of the General Statutes is amended by adding a new section to read:

"**§ 105-163.3A. Buyers must withhold taxes from certain nonresident sellers of real property.**

(a) Requirement. – Every buyer who purchases real estate and associated tangible personal property from either a nonresident individual or nonresident entity must deduct and withhold from compensation paid to the nonresident seller the State income taxes payable by the nonresident seller due to the sale as provided in this section. The taxes a buyer withholds are held in trust for the Secretary. The amount of taxes to be withheld is the least of the following:

(1) Four percent (4%) of the amount realized on the sale as determined under section 1001 of the Code.

(2) The applicable percentage of the gain required to be recognized on the sale under the Code, if the nonresident seller provides the buyer with an affidavit signed under penalty of perjury swearing or affirming to the amount of gain

required to be recognized under the Code from the sale. The applicable percentage is the highest marginal tax rate that could be applied to the nonresident seller based on whether the nonresident seller is taxed as a corporation or an individual.

(3) The entire net proceeds payable to the nonresident seller.

(b) Installment Sales. – In the case of any sale otherwise subject to this section that qualifies as an installment sale within the meaning of section 453(b) of the Code, the provisions of subsection (a) of this section shall be separately applied to each principal payment to be made under the terms of the installment sale agreement between the parties. In determining the amounts to be withheld under this subsection, the amount realized on the sale shall be considered to be the principal payment, and the gain required to be recognized under the Code shall be considered to be the same proportion of each principal payment as the gain required to be recognized under the Code bears to the amount realized on the sale overall.

(c) Exemptions. – The withholding requirement does not apply to the purchase of the following:

(1) Real property and any associated tangible personal property sold by one of the following types of entities that is not subject to tax under Article 4 of this Chapter:

a. A unit of federal, State, or local government.

b. A nonprofit.

c. An insurance company.

(2) Real property that is a principal residence of the nonresident seller within the meaning of section 121 of the Code and any associated tangible personal property.

(3) Real property transferred pursuant to a foreclosure of a mortgage deed of trust or other lien instrument or pursuant to a deed in lieu of foreclosure.

(d) Return and Statement. – A buyer must file a return with the Secretary on a form prescribed by the Secretary and in the manner prescribed by the Secretary. The buyer must pay the withheld taxes to the Secretary on or before the 15th day of the month following the month in which the sale takes place. A buyer required to deduct and withhold from a nonresident seller's compensation under this section must provide the seller a written statement of the information contained in the return by the due date of the return. The following information is required on the return:

(1) The buyer's name and address.

(2) The seller's name, address, and taxpayer identification number.

(3) The total amount realized on the sale.

(4) The total amount of gain recognized if the seller provides an affidavit under subdivision (a)(2) of this section.

(5) The entire net proceeds paid to the nonresident seller.

(6) The total amount deducted and withheld under this section.

(e) Buyer May Repay Amounts Withheld Improperly. – A buyer may refund to a person any amount the buyer withheld improperly from the person under this section if the refund is made before the end of the calendar year, before the buyer furnishes the person the statement required by subsection (d) of this section, and before the buyer submits the payment and return to the Secretary. An amount is withheld improperly if it is withheld from a payment to a person who is not a nonresident individual or nonresident entity, if it is withheld from a payment that is not compensation, or if it is in excess of the amount required to be withheld under this section.

(f) Records. – A buyer may rely on an affidavit provided by the seller that states that withholding is not required under this section because the seller is not a nonresident individual or nonresident entity. The affidavit must be made under penalty of perjury."

SECTION 3. This act becomes effective January 1, 2012, and applies to sales made on or after that date.

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SB 260 A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS AND TO ADD AN AT-LARGE MEMBER.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 488
Judiciary I Committee Substitute Adopted 5/2/11

Short Title: Landlord/State Bar Notice of Lease Default. (Public)

Sponsors:

Referred to:

April 4, 2011

A BILL TO BE ENTITLED

AN ACT REQUIRING LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 42 of the General Statutes is amended by adding a new section to read as follows:

"**§ 42-14.4. Notice to State Bar of attorney default on lease.**

(a) If a landlord has actual knowledge that a tenant is an attorney, the landlord shall deliver notice to the North Carolina State Bar (hereinafter "State Bar") at least 15 days prior to the destruction or discard of any "potentially confidential materials" remaining in the premises after the landlord obtains possession of the premises, whether by summary ejectment under Article 3 of this Chapter or by any other means, including the tenant vacating the premises. For purposes of this section, the term "potentially confidential materials" means client files, trust or operating account records, or other materials relating to client matters. For purposes of this section, the term "landlord" means any owner and any rental management company, rental agency, or any other person having the actual or apparent authority of an agent to perform the duties imposed by this Article. The landlord's notice to the State Bar shall contain the name of the attorney who is presumed to be the tenant, the location of the potentially confidential materials, and a phone number, address, or other means to contact the landlord. During the 15-day period after notice, a landlord may move for storage purposes, but shall not throw away, dispose of, or sell, potentially confidential materials remaining in the premises.

(b) The State Bar or its designee may take possession of the materials, at its sole expense, within the 15-day period provided for in subsection (a) of this section without the necessity of a court order. Upon the request of the State Bar, the landlord shall cooperate with and allow the State Bar to takes possession of the potentially confidential materials, and the landlord shall not be liable in any way to the tenant for his or her cooperation. However, if the tenant elects to take possession of the potentially confidential materials prior to the State Bar obtaining possession of them, and there is no court order to the contrary having been previously delivered to the landlord, the landlord may deliver possession of the potentially confidential materials to the tenant and shall promptly notify the State Bar of his or her actions. If neither the State Bar nor its designee takes possession of the potentially confidential materials within the 15-day period provided for in subsection (a) of this section, the landlord may destroy or discard the materials in accordance with the lease agreement with the defaulting tenant.

(c) A landlord that attempts in good faith to comply with the requirements of this section shall not be liable for losses to any person arising directly or indirectly out of the

disposal of any potentially confidential materials. Failure to comply with this section shall not constitute an unfair trade practice under G.S. 75-1.1."

SECTION 2. G.S. 44A-2 is amended by adding a new subsection to read as follows:

"(h) Any landlord of nonresidential property, including any storage or self-storage space, in which potentially confidential materials, as that term is defined in G.S. 42-14.4(a), remain after the landlord has obtained possession of the property must provide notice to the North Carolina State Bar and comply with the provisions of G.S. 42-14.4, if the landlord has actual knowledge that the former tenant is an attorney. Potentially confidential materials shall not be the subject of a lien under the provisions of this Article."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 488

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

S488-ATG-193 [v.1]

Comm. Sub. [YES]
Amends Title [NO]
S488-CSTG-38

Date _____,2011

Senator _____

moves to amend the bill on page 1, lines 4-5, by rewriting those lines to read:
"PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES.";

and on page 2, line 16 through page 3, line 8, by rewriting those lines to read:
"**SECTION 3.** This act is effective when it becomes law ".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 260
State and Local Government Committee Substitute Adopted 6/7/11

Short Title: Pitt County School Board Election. (Local)

Sponsors:

Referred to:

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS AND TO ADD AN AT-LARGE MEMBER.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 193 of the 1987 Session Laws reads as rewritten:

"**Section 1.** Beginning ~~December 7, 1987,~~ December 1, 2014, the Pitt County Board of Education shall consist of ~~12 members, with two~~ seven members, one of whom is elected at-large and one each elected from six districts in nonpartisan plurality elections. Only voters residing in a district may vote for the members from that district."

SECTION 2. Section 4 of Chapter 193 of the 1987 Session Laws reads as rewritten:

"**Sec. 4.** ~~After the initial election, elections~~ Other than for the at-large member elected in 2014, elections shall be held in ~~1990 and subsequent even-numbered years~~ 2016 and quadrennially thereafter as terms expire, at the time set by general State law for the election of county boards of education. Members elected in ~~1990~~ 2016 and subsequent years shall take office at the time set by general State law and shall serve for terms of ~~six~~ four years."

SECTION 3. In the 2014 election, one member shall be elected at large for a two-year term. No election shall be held for full terms of district members of the Pitt County Board of Education in 2014 so as to reduce the total number of members from 12 to 7. This act does not affect the terms of office of members elected for six-year terms in 2008.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 488
Judiciary I Committee Substitute Adopted 5/2/11

Short Title: Landlord/State Bar Notice of Lease Default. (Public)

Sponsors:

Referred to:

April 4, 2011

A BILL TO BE ENTITLED

AN ACT REQUIRING LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 42 of the General Statutes is amended by adding a new section to read as follows:

"**§ 42-14.4. Notice to State Bar of attorney default on lease.**

(a) If a landlord has actual knowledge that a tenant is an attorney, the landlord shall deliver notice to the North Carolina State Bar (hereinafter "State Bar") at least 15 days prior to the destruction or discard of any "potentially confidential materials" remaining in the premises after the landlord obtains possession of the premises, whether by summary ejectment under Article 3 of this Chapter or by any other means, including the tenant vacating the premises. For purposes of this section, the term "potentially confidential materials" means client files, trust or operating account records, or other materials relating to client matters. For purposes of this section, the term "landlord" means any owner and any rental management company, rental agency, or any other person having the actual or apparent authority of an agent to perform the duties imposed by this Article. The landlord's notice to the State Bar shall contain the name of the attorney who is presumed to be the tenant, the location of the potentially confidential materials, and a phone number, address, or other means to contact the landlord. During the 15-day period after notice, a landlord may move for storage purposes, but shall not throw away, dispose of, or sell, potentially confidential materials remaining in the premises.

(b) The State Bar or its designee may take possession of the materials, at its sole expense, within the 15-day period provided for in subsection (a) of this section without the necessity of a court order. Upon the request of the State Bar, the landlord shall cooperate with and allow the State Bar to takes possession of the potentially confidential materials, and the landlord shall not be liable in any way to the tenant for his or her cooperation. However, if the tenant elects to take possession of the potentially confidential materials prior to the State Bar obtaining possession of them, and there is no court order to the contrary having been previously delivered to the landlord, the landlord may deliver possession of the potentially confidential materials to the tenant and shall promptly notify the State Bar of his or her actions. If neither the State Bar nor its designee takes possession of the potentially confidential materials within the 15-day period provided for in subsection (a) of this section, the landlord may destroy or discard the materials in accordance with the lease agreement with the defaulting tenant.

(c) A landlord that attempts in good faith to comply with the requirements of this section shall not be liable for losses to any person arising directly or indirectly out of the

disposal of any potentially confidential materials. Failure to comply with this section shall not constitute an unfair trade practice under G.S. 75-1.1."

SECTION 2. G.S. 44A-2 is amended by adding a new subsection to read as follows:

"(h) Any landlord of nonresidential property, including any storage or self-storage space, in which potentially confidential materials, as that term is defined in G.S. 42-14.4(a), remain after the landlord has obtained possession of the property must provide notice to the North Carolina State Bar and comply with the provisions of G.S. 42-14.4, if the landlord has actual knowledge that the former tenant is an attorney. Potentially confidential materials shall not be the subject of a lien under the provisions of this Article."

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

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 6-14-2011 **Room:** 1228

House Sgt-At Arms:

1. **Name:** Reggie Sills
2. **Name:** RL Carter
3. **Name:** Bill Bass
4. **Name:**
5. **Name:**

Senate Sgt-At Arms:

1. **Name:**
2. **Name:**
3. **Name:**
4. **Name:**
5. **Name:**

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE _____

DATE: _____ **Room:** _____

***Name:** John Gavin

County: Randolph

Sponsor: Rep Brubaker

***Name:** Thomas Kincheloe

County: Nash

Sponsor: Tillis

***Name:** Andrew Fisher

County: Wake

Sponsor: Avila

***Name:** Meghan Brooks

County: Wake

Sponsor: Sager

***Name:**

County:

Sponsor:

House Sgt-At Arms:

1. **Name:** _____
2. **Name:** _____
3. **Name:** _____
4. **Name:** _____
5. **Name:** _____
6. **Name:** _____

VISITOR REGISTRATION SHEET

Rules — 14 June 11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sherra Reid	SOG
Kate Woomer-Deters	NC Justice Center
Henry Jones	Attorney Raleigh
Ron Woodard	NCListen
James Johnson	NCFIRE
Jennifer Cohen	IFNC
Rick Zechini	Progress Energy
Kathy Hawkins	Duke
Tommy Stevens	NCPC
Angie Maier	NCPC
Chris Agee	DOA

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susanne Sartelle	Greenville- Pitt Chamber of Commerce
Kathy Herring	Parent from PittCo in support of SB 260
Fran Piercy	Ragsdale Liggett PLLC
Ben Kuhn	Kuhn Law Firm, PLLC
Johann Loper	Womble Carlyle Attys
Angel Sparks	NSS
Theresa Kostrzewa	NSS
Betty Doster	UNC Charlotte
LuAnn Perryman	CSS
Michelle Frazier	MFHS
Barbara Comba	BBC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dania Haider	NC Justice Center
Doug Miskiw	PSG
Matt Hamill	NCSBI
Leanne Winner	NCSBI
Cecil Hargett	Siler City, NC
Jerry Williams	LPA's
CAL	Rev. Mark Creech
Joel Maynard	NCAFP
A.A. Adams	Victim Advocate
Heather Barnett	Williams Mullen
Greg Thornton	FTBrowder

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matthew Eastley	Smith Anderson
Paul Stanley	NCAJ
Meg Turlington	NCDOJ
Heather Burleson	NC DOJ
Elyssa Sharp	NC DOJ
Farris Martini	NC DOJ
CSHollis	TSS
L Harris	~~LAHA~~
Roger Knight	Fresenius
Michell Smith	Mech. Cnty
DANIEL BAUM	TROUTMAN SANDERS

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	[illegible]
Jim Dalton	BSA
Leslie Hood	OST
K. Stanley	Dept of Commerce
[illegible]	NCATA
Pam Melton	CTL
Barbara Host	NCRTL
[illegible]	[illegible]
[illegible]	[illegible]
SOLARI	DST
[illegible]	[illegible]

VISITOR REGISTRATION SHEET

Rules — 14 June 11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jake Cashion	NC Chamber
Carmen Hooker	Electric Cities
BJ Miller	Cone Health
Erica Nelson	NCCCP
J Goodnight	NC Chamber
Angie Hauser	WM
Forrest Gilliam	Governor's Office
Mason Gill	Smith Anderson
Lana Hyatt	Town of Cary
Mary Freeman	NCAE
Bill Cobb	TEs

VISITOR REGISTRATION SHEET

RULES — Name of Committee

6-14-11 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dean Plunkett	PS
Karen Ray	NCMA
Leene Wynn	NCSBA
Katherine Ross	PPAB
[illegible]	CAPA
Ken Melton	K. M. A.
Steve Brewer	CTL
[illegible]	TWC
[illegible]	CFTF
Whitney Christensen	Jordan Price
[illegible]	NCUC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Allison Walker	Nelson Mullins
Dave Simyi	CAGC
Richard Thompson	Dominion NC Power

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Fred Eckel	NCAP
Morgan Norris	NCAP
Michael Hawes	NC DOR
Emily Cannon	NWNC
Sheila Holman	NCDENR/DAQ
Mike Abraczinskas	DENR/DAQ
Daniel Raimi	DENR
Matthew Gilmore	DST
Derek Graham	DPI
Fred Boney	Boney & Assoc.
Peyton Myers	
C Venable	Off Couns & Reg. Aff

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 15, 2011

The Committee on Rules, Calendar and Operations of the House met on June 15, 2011 at 12:33 pm in Room 1327 of the Legislative Building. The following members were present: Representative LaRoque Chair, , Representative Owens Vice Chair, Representative Rhyne Vice Chair, Representatives Alexander, Blust, Crawford, Faison, Farmer-Butterfield, Hackney, Hilton, Jeffus, Luebke, McComas, and Stone.

Rep. LaRoque presided.

The Following Bill was considered:

SB 339 Modify Driver Education Program(Senator Hartsell, Primary Sponsor) Rep Moffitt made a motion for the PCS to be before the committee. Vote called motion passes. Staff was recognized to explain the bill.. No discussion or debate Rep. Moffitt motioned for a favorable report. Vote was called. Motion passed.

Rep Rhyne chaired for Rep. LaRoque.

SB488 Landlord/State Bar Notice of Lease Default (Senator Stein, Vaughan, and Newton Primary Sponsors). Rep. Moffitt motioned for the PCs to be before the committee. Vote called motion passed. Rep. LaRoque was recognized explain the bill. Discussion and debate on the bill. Rep. Faison presented an amendment. Vote was called motion passed. Bill was not voted on.

Chair Rhyne adjourned at 12:54pm.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 15, 2011
TIME: 1:30 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 339	Modify Driver Education Program.	Senator Hartsell
SB 488	Landlord/State Bar Notice of Lease Default.	Senator Stein Senator Vaughan Senator Newton

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **June 15, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

June 15, 2011, 12:30 pm

1327 LB

Representative Tim Moore Presiding

Remarks:

SB 339	Modify Driver Education Program.	Senator Hartsell
SB 488	Landlord/State Bar Notice of Lease Default.	Senator Stein
		Senator Vaughan
		Senator Newton

Adjourn

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 488
Judiciary I Committee Substitute Adopted 5/2/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S488-CSTG-36 [v.3]

6/15/2011 12:07:26 PM

Short Title: Homeowner/Homebuyer Protection Act. (Public)

Sponsors:

Referred to:

April 4, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE HOMEOWNER AND HOMEBUYER PROTECTION ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47G-1 reads as rewritten:

"**§ 47G-1. Definitions.**

The following definitions apply in this Chapter:

(1) Covered lease ~~agreement or lease~~ agreement. – A residential lease agreement ~~that is combined with, or is executed concurrently with, an option contract.~~ in which all or some portion of the rental payments made are applied to the purchase price of the real property which is the subject of the covered lease agreement and the covered option contract.

...

(4) Option contract or contract. – An option contract for the purchase of property that includes or is combined with, or is executed in conjunction with, a covered lease agreement. The term does not include a contract which obligates the buyer to purchase the property even though the obligation may be subject to one or more contingencies or unilateral rights to terminate the contract.

(5) Option fee. – Any payment, however denominated, made by the option purchaser to the option seller that constitutes the price the option purchaser pays for the right to buy the property at a specified price in the future. Such payment applied at the closing of the property shall not constitute equity and such payment shall not in and of itself create a right of equitable redemption.

..."

SECTION 2. G.S. 47G-7 reads as rewritten:

"**§ 47G-7. Remedies.**

~~A violation of any provision of this Chapter constitutes an unfair trade practice under G.S. 75-1.1.~~ An option purchaser may bring an action for the recovery of damages, to void a transaction executed in violation of this Chapter, as well as for declaratory or equitable relief for a violation of this Chapter. The rights and remedies provided herein are cumulative to, and not a limitation of, any other rights and remedies provided by law or ~~equity.~~ equity, including G.S. 75-1.1. Nothing in this Chapter shall be construed to subject an individual homeowner

selling his or her primary residence directly to an option purchaser to liability under G.S. 75-1.1."

SECTION 3. G.S. 47H-8 reads as rewritten:

"**§ 47H-8. Remedies.**

~~A violation of any provision of this Chapter constitutes an unfair trade practice under G.S. 75-1.1.~~ A purchaser may bring an action for the recovery of damages, to rescind a transaction, as well as for declaratory or equitable relief, for a violation of this Chapter. The rights and remedies provided herein are cumulative to, and not a limitation of, any other rights and remedies provided by law or ~~equity.~~ Equity, including G.S. 75-1.1. Nothing in this Chapter shall be construed to subject an individual homeowner selling his or her primary residence directly to a buyer to liability under G.S. 75-1.1."

SECTION 4. This act becomes effective October 1, 2011, and applies to transactions entered on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 339
Education/Higher Education Committee Substitute Adopted 3/31/11
Third Edition Engrossed 4/5/11

Short Title: Modify Driver Education Program. (Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO PROVIDE ADDITIONAL FISCAL AND TECHNICAL OVERSIGHT OF THE DRIVER EDUCATION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-215 reads as rewritten:

"**§ 115C-215.** ~~**Instruction in driver training and safety education.**~~**Administration of driver education program by the Department of Public Instruction.**

~~There shall be organized and administered under the general supervision of the Superintendent of Public Instruction a program of driver training and safety education in the public schools of this State, said courses to be noncredit courses taught by instructors who meet the requirements established by the State Board of Education. Instructors shall not be required to hold teacher certificates.~~

(a) In accordance with criteria and standards approved by the State Board of Education, the State Superintendent of Public Instruction shall organize and administer a standardized program of driver education to be offered at the public high schools of this State for all physically and mentally qualified persons who (i) are older than 14 years and six months, (ii) are approved by the principal of the school, pursuant to rules adopted by the State Board of Education, (iii) are enrolled in a public or private high school within the State, and (iv) have not previously enrolled in the program. The State Board of Education shall use for this purpose all funds appropriated to it for this purpose and may use all other funds that become available for its use for this purpose.

(b) The driver education curriculum shall include the following:

(1) Instruction on the rights and privileges of the handicapped and the signs and symbols used to assist the handicapped relative to motor vehicles, including the "international symbol of accessibility" and other symbols and devices as provided in Article 2A of Chapter 20 of the General Statutes.

(2) At least six hours of instruction on the offense of driving while impaired and related subjects.

(3) At least six hours of actual driving experience. To the extent practicable, this experience may include at least one hour of instruction on the techniques of defensive driving.

(4) At least one hour of motorcycle safety awareness training.

(c) The State Board of Education shall establish and implement a strategic plan for the driver education program. At a minimum, the strategic plan shall consist of goals and performance indicators, including the number of program participants as compared to the number of persons projected to be eligible to participate in the program, the implementation of a standard curriculum for the program, expenditures for the program, and the success rate of program participants in receiving a drivers license as reported by the Division of Motor Vehicles. The strategic plan shall also outline specific roles and duties of an advisory committee consisting of employees of the Division of Motor Vehicles and the Department of Public Instruction and other stakeholders in driver education.

(d) The State Board of Education shall adopt a salary range for driver education instructors who are public school employees and who are not licensed teachers.

Driver education instructors who are public school employees and who are licensed teachers shall be paid on the teacher salary schedule. A day of employment for driver education instructors who hold teacher certificates shall be the same number of hours required of all regular classroom teachers as established by the local board of education.

(e) The State Board of Education shall adopt rules to permit local boards of education to enter contracts with public or private entities to provide a program of driver education at public high schools. All driver education instructors shall meet the requirements established by the State Board of Education; provided, however, driver education instructors shall not be required to hold teacher certificates."

SECTION 2. G.S. 115C-216 reads as rewritten:

"**§ 115C-216. Boards of education required to provide courses in operation of motor vehicles.**

(a) Course of Training and Instruction Required in Public High Schools. – ~~The State Board of Education and local~~ Local boards of education ~~are required to provide as a part of the program of the public high schools in this State a course of training and instruction in the operation of motor vehicles, in accordance with G.S. 20-88.1.~~shall offer noncredit driver education courses in high schools using the standardized curriculum provided by the Department of Public Instruction.

(b) Inclusion of Expense in Budget. – The local boards of education ~~of every local school administrative unit are hereby authorized to~~shall include as an item of instructional service and as a part of the current expense fund of the budget of the ~~several~~ high schools under their supervision, the expense necessary ~~to install and maintain such a course of training and instructing eligible persons in such schools in the operation of motor vehicles.~~to offer the driver education course.

(c) to (f) Repealed by Session Laws 1991, c. 689, s. 32(c)."

SECTION 3. G.S. 20-88.1 reads as rewritten:

"**§ 20-88.1. Driver education.**

~~(a) In accordance with criteria and standards approved by the State Board of Education, the State Superintendent of Public Instruction shall organize and administer a program of driver education to be offered at the public high schools of this State for all physically and mentally qualified persons who (i) are older than 14 years and six months, (ii) are approved by the principal of the school, pursuant to rules adopted by the State Board of Education, (iii) are enrolled in a public or private high school within the State, and (iv) have not previously enrolled in the program. The State Board of Education shall use for such purpose all funds appropriated to it for said purpose, and may use all other funds that become available for its use for said purpose.~~

~~The driver education program established pursuant to this section must include the following:~~

~~(1) Instruction on the rights and privileges of the handicapped and the signs and symbols used to assist the handicapped relative to motor vehicles, including~~

~~the "international symbol of accessibility" and other symbols and devices as provided in Article 2A of this Chapter.~~

~~(2) At least six hours of instruction on the offense of driving while impaired and related subjects.~~

~~(3) At least six hours of actual driving experience. To the extent practicable, this experience may include at least one hour of instruction on the techniques of defensive driving.~~

~~(b) The State Board of Education shall adopt a salary range for driver education instructors who are public school employees and who do not hold teacher certificates.~~

~~Driver education instructors who are public school employees and who hold teacher certificates shall be paid on the teacher salary schedule. A day of employment for driver education instructors who hold teacher certificates shall be the same number of hours required of all regular classroom teachers as established by the local board of education.~~

~~(b1) The State Board of Education shall adopt rules to permit local boards of education to enter contracts with public or private entities to provide a program of driver education at public high schools. All driver education instructors shall meet the requirements established by the State Board of Education; provided, however, driver education instructors shall not be required to hold teacher certificates.~~

(c) All expenses incurred by the State in carrying out the provisions of ~~this section~~the driver education program administered by the Department of Public Instruction in accordance with G.S. 115C-215 shall be paid out of the Highway Fund.

(d) The Division shall prepare a driver license handbook that explains the traffic laws of the State and shall periodically revise the handbook to reflect changes in these laws. At the request of the Department of ~~Education,~~ Public Instruction, the Division shall provide free copies of the handbook to that Department for use in the program of driver education offered at public high schools."

SECTION 3.1.(a) G.S. 20-11(b) reads as rewritten:

"(b) Level 1. – A person who is at least 15 years old but less than 18 years old may obtain a limited learner's permit if the person meets all of the following requirements:

(1) Passes a course of driver education prescribed in ~~G.S. 20-88.1~~ G.S. 115C-215 or a course of driver instruction at a licensed commercial driver training school.

(2) Passes a written test administered by the Division.

(3) Has a driving eligibility certificate or a high school diploma or its equivalent."

SECTION 3.1.(b) G.S. 20-322(b) reads as rewritten:

"(b) Regulations adopted by the Commissioner shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insurance, bond or other security in such sum and with such provisions as the Commissioner deems necessary to protect adequately the interests of the public, and such other matters as the Commissioner may prescribe. A driver education course offered to prepare an individual for a limited learner's permit or another provisional license must meet the requirements set in ~~G.S. 20-88.1~~ G.S. 115C-215 for the program of driver education offered in the public schools."

SECTION 4.(a) The State Board of Education shall report to the Joint Legislative Program Evaluation Oversight Committee by July 15, 2011, on the status of the implementation of Section 7.12 of S.L. 2010-31, which mandates the creation of a standard curriculum to be used for the driver education program in the Department of Public Instruction.

SECTION 4.(b) For the 2011-2012 school year, no State funds shall be used for driver education programs that do not use the standard driver education curriculum created in accordance with Section 7.12 of S.L. 2010-31.

SECTION 5. The State Board of Education shall establish a pilot program to deliver driver education by electronic means. At least five local school administrative units shall participate in the pilot program. Funds appropriated for driver education shall be used to implement the pilot program. The State Board shall report on the implementation of the pilot program to the Joint Legislative Education Oversight Committee and the Joint Legislative Program Evaluation Oversight Committee by June 15, 2012. The report shall include the cost per student of delivering the instruction and the success rate of program participants in receiving a drivers license.

SECTION 6. The State Board of Education shall report to the Joint Legislative Education Oversight Committee and to the Joint Legislative Program Evaluation Oversight Committee by June 15, 2012, on the following:

(1) The most cost-effective method of delivering driver education in the short- and long-term. In making this determination, the State Board of Education shall consider the results of the pilot program implemented pursuant to Section 5 of this act.

(2) The strategic plan adopted by the State Board of Education in accordance with G.S. 115C-215.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 488
Judiciary I Committee Substitute Adopted 5/2/11

Short Title: Landlord/State Bar Notice of Lease Default. (Public)

Sponsors:

Referred to:

April 4, 2011

A BILL TO BE ENTITLED

AN ACT REQUIRING LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 42 of the General Statutes is amended by adding a new section to read as follows:

"**§ 42-14.4. Notice to State Bar of attorney default on lease.**

(a) If a landlord has actual knowledge that a tenant is an attorney, the landlord shall deliver notice to the North Carolina State Bar (hereinafter "State Bar") at least 15 days prior to the destruction or discard of any "potentially confidential materials" remaining in the premises after the landlord obtains possession of the premises, whether by summary ejectment under Article 3 of this Chapter or by any other means, including the tenant vacating the premises. For purposes of this section, the term "potentially confidential materials" means client files, trust or operating account records, or other materials relating to client matters. For purposes of this section, the term "landlord" means any owner and any rental management company, rental agency, or any other person having the actual or apparent authority of an agent to perform the duties imposed by this Article. The landlord's notice to the State Bar shall contain the name of the attorney who is presumed to be the tenant, the location of the potentially confidential materials, and a phone number, address, or other means to contact the landlord. During the 15-day period after notice, a landlord may move for storage purposes, but shall not throw away, dispose of, or sell, potentially confidential materials remaining in the premises.

(b) The State Bar or its designee may take possession of the materials, at its sole expense, within the 15-day period provided for in subsection (a) of this section without the necessity of a court order. Upon the request of the State Bar, the landlord shall cooperate with and allow the State Bar to takes possession of the potentially confidential materials, and the landlord shall not be liable in any way to the tenant for his or her cooperation. However, if the tenant elects to take possession of the potentially confidential materials prior to the State Bar obtaining possession of them, and there is no court order to the contrary having been previously delivered to the landlord, the landlord may deliver possession of the potentially confidential materials to the tenant and shall promptly notify the State Bar of his or her actions. If neither the State Bar nor its designee takes possession of the potentially confidential materials within the 15-day period provided for in subsection (a) of this section, the landlord may destroy or discard the materials in accordance with the lease agreement with the defaulting tenant.

(c) A landlord that attempts in good faith to comply with the requirements of this section shall not be liable for losses to any person arising directly or indirectly out of the

disposal of any potentially confidential materials. Failure to comply with this section shall not constitute an unfair trade practice under G.S. 75-1.1."

SECTION 2. G.S. 44A-2 is amended by adding a new subsection to read as follows:

"(h) Any landlord of nonresidential property, including any storage or self-storage space, in which potentially confidential materials, as that term is defined in G.S. 42-14.4(a), remain after the landlord has obtained possession of the property must provide notice to the North Carolina State Bar and comply with the provisions of G.S. 42-14.4, if the landlord has actual knowledge that the former tenant is an attorney. Potentially confidential materials shall not be the subject of a lien under the provisions of this Article."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 339
Education/Higher Education Committee Substitute Adopted 3/31/11
Third Edition Engrossed 4/5/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S339-CSTL-21 [v.5]

6/15/2011 11:42:36 AM

Short Title: Modify Driver Education Program. (Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT A SALARY RANGE FOR THE DELIVERY OF DRIVER EDUCATION COURSES BY PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-215(d), as enacted by Section 28.37.(a) of House Bill 200, Appropriations Act of 2011, reads as rewritten:

"(d) The State Board of Education shall adopt a salary range for the delivery of driver education courses by driver education instructors who are public school ~~employees and who do not hold teacher certificates.~~employees. The salary range shall be based on the driver education instructor's qualifications, certification, and licensure specific to driver education.

~~Driver education instructors who are public school employees and who hold teacher certificates shall be paid on the teacher salary schedule. A day of employment for driver education instructors who hold teacher certificates shall be the same number of hours required of all regular classroom teachers as established by the local board of education.~~"

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

SENATE BILL 339:
Modify Driver Education Program

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 15, 2011
Introduced by:	Sen. Hartsell	**Prepared by:**	Patsy Pierce
Analysis of:	PCS to Third Edition S339-CSTL-21		Legislative Analyst

SUMMARY: ***Senate Bill 339 would move the driver education section out of the motor vehicles statutes and place it in the public school driver education statutes to clarify the State Board of Education's (SBE) authority over driver education and require implementation of a standard curriculum.***

The Proposed Committee Substitute (PCS) for SB 339 would amend a section of House Bill 200, Appropriations Act of 2011, to require the SBE to adopt a salary range for public school personnel specific to the delivery of driver education.

CURRENT LAW: G.S. 115C-215(d), as enacted by Section 28.37.(a) of House Bill 200, Appropriations Act of 2011, requires the SBE to adopt the salary range for driver education instructors who are public school employees and who are not licensed teachers. Driver education instructors who are public school employees and licensed teachers are paid on the teacher salary schedule and have the same number of required days of employment as other regular classroom teachers.

BILL ANALYSIS: The PCS would require the SBE to develop a salary range for the delivery of driver education courses by driver education instructors who are public school employees based on their credentials related to these courses. The PCS would remove current language regarding driver education instructors who are public school employees and licensed teachers being paid on the teacher salary schedule and having the same number of required days of employment as other regular classroom teachers.

EFFECTIVE DATE: This act would become effective July 1, 2011.

S339-SMTL-54(CSTL-21) v4

SENATE BILL 488:
Homeowner/Homebuyer Protection Act.

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 15, 2011
Introduced by:	Sens. Stein, Vaughan, Newton	**Prepared by:**	Bill Patterson
Analysis of:	PCS to Second Edition S488-CSTG-16		Committee Counsel

SUMMARY: The PCS to Senate Bill 488 makes various changes to The Homeowner and Homebuyer Protection Act enacted in 2010.

CURRENT LAW: Chapter 47G - Option to Purchase Contracts Executed with Lease Agreements regulates option contracts, which are contracts containing an option to purchase real property which includes or is combined with, or executed in conjunction with a residential lease agreement. Every option contract must be in writing and contain all the terms agreed to by the parties. The seller must record a copy of the contract or a memorandum of the contract with the register of deeds of the county in which the property is located. If the property is encumbered and the option seller defaults on the loan secured by the property, the purchaser may elect to exercise the option or cancel the contract and receive a refund of the money paid minus an offset for the rental value and for any damages beyond normal wear and tear. A violation of the Chapter is an unfair trade practice under G.S. 75-1.1.

Chapter 47H - Contracts for Deed regulates contracts for deed, which are contracts in which a seller agrees to sell an interest in property to a purchaser and the purchaser agrees to pay the purchase price in 5 or more payments exclusive of the down payment and the seller retains the title to the property as security for the purchaser's obligation under the agreement.

Every contract for deed must be in writing, signed by all parties, and contain all of the terms agreed to. In addition, each contract for deed must contain a number of specific provisions including a description of conditions of the property and a statement of the amount of the lien and the due date of any periodic payments if the property is encumbered and the seller is not a general contractor or a manufactured housing dealer. A seller may not enter into a contract for deed if the seller does not hold title to the property. If the seller's title is encumbered, the seller may only enter a contract for deed if one of the following conditions is met:

- The encumbrance was agreed to by the purchaser to make improvements on the property.
- The encumbrance was placed on the property prior to the contract of deed, if the seller is a licensed general contractor, licensed manufactured home dealer, or licensed real estate broker who continues to make timely payments.
- The encumbrance was placed on the property prior to the contract of deed, if the seller is not a licensed general contractor, licensed manufactured home dealer, or licensed real estate broker, if the lien is attached only to the property sold to the purchaser and the seller continues to make timely payments.

If the property is encumbered by a deed of trust, mortgage, or other encumbrance which constitutes a lien on the property, a seller must notify the purchaser in a separate written disclosure, in 14-point type, boldface capital letters that **THE PROPERTY HAS EXISTING LIENS ON IT. IF THE SELLER FAILS TO MAKE TIMELY PAYMENTS TO THE LIEN HOLDER, THE LIEN HOLDER MAY FORECLOSE ON THE PROPERTY, EVEN IF YOU HAVE MADE ALL YOUR**

PAYMENTS. A seller may not charge a late fee in excess of 4% of the past due amount under a contract for deed. A violation would be an unfair trade practice under G.S. 75-1.1

BILL ANALYSIS:

Section 1 amends various definitions contained in Chapter 47G. The definition of "covered lease agreement" is defined as a residential lease agreement where some or all of the rental payments are applies to the purchase price of the property that is the subject of the lease and the option contract. The definition of "option contract" is modified to not include a contract which obligates the buyer to purchase the property even if the obligation is subject to one or more contingencies or unilateral rights to terminate the contract. The definition of "option fee" is modified to prohibit an option fee paid at closing from constituting equity in the property and does not create a right of equitable redemption.

Sections 2 and 3 modify the Remedies provisions of Chapter 47G and 47H to provide that a violation of the Chapter may, but is not conclusively, an unfair and deceptive trade practice subject to treble damages and recovery by the plaintiff of attorney's fees

EFFECTIVE DATE: The act becomes effective October 1, 2011, and applies to agreements entered into on or after that date.

Kory Goldsmith, counsel to Senate Commerce, substantially contributed to this summary.

S488-SMTG-64(CSTG-16) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 339
Education/Higher Education Committee Substitute Adopted 3/31/11
Third Edition Engrossed 4/5/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S339-CSTL-21 [v.5]

6/15/2011 11:42:36 AM

Short Title: Modify Driver Education Program. (Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT A SALARY RANGE FOR THE DELIVERY OF DRIVER EDUCATION COURSES BY PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-215(d), as enacted by Section 28.37.(a) of House Bill 200, Appropriations Act of 2011, reads as rewritten:

"(d) The State Board of Education shall adopt a salary range for the delivery of driver education courses by driver education instructors who are public school ~~employees and who do not hold teacher certificates.~~employees. The salary range shall be based on the driver education instructor's qualifications, certification, and licensure specific to driver education.

~~Driver education instructors who are public school employees and who hold teacher certificates shall be paid on the teacher salary schedule. A day of employment for driver education instructors who hold teacher certificates shall be the same number of hours required of all regular classroom teachers as established by the local board of education.~~"

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

SENATE BILL 339:
Modify Driver Education Program

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 15, 2011
Introduced by:	Sen. Hartsell	**Prepared by:**	Patsy Pierce Legislative Analyst
Analysis of:	PCS to Third Edition S339-CSTL-21		

SUMMARY: ***Senate Bill 339 would move the driver education section out of the motor vehicles statutes and place it in the public school driver education statutes to clarify the State Board of Education's (SBE) authority over driver education and require implementation of a standard curriculum.***

The Proposed Committee Substitute (PCS) for SB 339 would amend a section of House Bill 200, Appropriations Act of 2011, to require the SBE to adopt a salary range for public school personnel specific to the delivery of driver education.

CURRENT LAW: G.S. 115C-215(d), as enacted by Section 28.37.(a) of House Bill 200, Appropriations Act of 2011, requires the SBE to adopt the salary range for driver education instructors who are public school employees and who are not licensed teachers. Driver education instructors who are public school employees and licensed teachers are paid on the teacher salary schedule and have the same number of required days of employment as other regular classroom teachers.

BILL ANALYSIS: The PCS would require the SBE to develop a salary range for the delivery of driver education courses by driver education instructors who are public school employees based on their credentials related to these courses. The PCS would remove current language regarding driver education instructors who are public school employees and licensed teachers being paid on the teacher salary schedule and having the same number of required days of employment as other regular classroom teachers.

EFFECTIVE DATE: This act would become effective July 1, 2011.

S339-SMTL-54(CSTL-21) v4

SENATE BILL 488:
Homeowner/Homebuyer Protection Act.

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 15, 2011
Introduced by:	Sens. Stein, Vaughan, Newton	**Prepared by:**	Bill Patterson
Analysis of:	PCS to Second Edition S488-CSTG-16		Committee Counsel

SUMMARY: The PCS to Senate Bill 488 makes various changes to The Homeowner and Homebuyer Protection Act enacted in 2010.

CURRENT LAW: Chapter 47G - Option to Purchase Contracts Executed with Lease Agreements regulates option contracts, which are contracts containing an option to purchase real property which includes or is combined with, or executed in conjunction with a residential lease agreement. Every option contract must be in writing and contain all the terms agreed to by the parties. The seller must record a copy of the contract or a memorandum of the contract with the register of deeds of the county in which the property is located. If the property is encumbered and the option seller defaults on the loan secured by the property, the purchaser may elect to exercise the option or cancel the contract and receive a refund of the money paid minus an offset for the rental value and for any damages beyond normal wear and tear. A violation of the Chapter is an unfair trade practice under G.S. 75-1.1.

Chapter 47H - Contracts for Deed regulates contracts for deed, which are contracts in which a seller agrees to sell an interest in property to a purchaser and the purchaser agrees to pay the purchase price in 5 or more payments exclusive of the down payment and the seller retains the title to the property as security for the purchaser's obligation under the agreement.

Every contract for deed must be in writing, signed by all parties, and contain all of the terms agreed to. In addition, each contract for deed must contain a number of specific provisions including a description of conditions of the property and a statement of the amount of the lien and the due date of any periodic payments if the property is encumbered and the seller is not a general contractor or a manufactured housing dealer. A seller may not enter into a contract for deed if the seller does not hold title to the property. If the seller's title is encumbered, the seller may only enter a contract for deed if one of the following conditions is met:

- The encumbrance was agreed to by the purchaser to make improvements on the property.
- The encumbrance was placed on the property prior to the contract of deed, if the seller is a licensed general contractor, licensed manufactured home dealer, or licensed real estate broker who continues to make timely payments.
- The encumbrance was placed on the property prior to the contract of deed, if the seller is not a licensed general contractor, licensed manufactured home dealer, or licensed real estate broker, if the lien is attached only to the property sold to the purchaser and the seller continues to make timely payments.

If the property is encumbered by a deed of trust, mortgage, or other encumbrance which constitutes a lien on the property, a seller must notify the purchaser in a separate written disclosure, in 14-point type, boldface capital letters that **THE PROPERTY HAS EXISTING LIENS ON IT. IF THE SELLER FAILS TO MAKE TIMELY PAYMENTS TO THE LIEN HOLDER, THE LIEN HOLDER MAY FORECLOSE ON THE PROPERTY, EVEN IF YOU HAVE MADE ALL YOUR**

PAYMENTS. A seller may not charge a late fee in excess of 4% of the past due amount under a contract for deed. A violation would be an unfair trade practice under G.S. 75-1.1

BILL ANALYSIS:

Section 1 amends various definitions contained in Chapter 47G. The definition of "covered lease agreement" is defined as a residential lease agreement where some or all of the rental payments are applies to the purchase price of the property that is the subject of the lease and the option contract. The definition of "option contract" is modified to not include a contract which obligates the buyer to purchase the property even if the obligation is subject to one or more contingencies or unilateral rights to terminate the contract. The definition of "option fee" is modified to prohibit an option fee paid at closing from constituting equity in the property and does not create a right of equitable redemption.

Sections 2 and 3 modify the Remedies provisions of Chapter 47G and 47H to provide that a violation of the Chapter may, but is not conclusively, an unfair and deceptive trade practice subject to treble damages and recovery by the plaintiff of attorney's fees

EFFECTIVE DATE: The act becomes effective October 1, 2011, and applies to agreements entered into on or after that date.

Kory Goldsmith, counsel to Senate Commerce, substantially contributed to this summary.

S488-SMTG-64(CSTG-16) v1

SENATE BILL 488:
Homeowner/Homebuyer Protection Act.

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 15, 2011
Introduced by:	Sens. Stein, Vaughan, Newton	**Prepared by:**	Bill Patterson
Analysis of:	PCS to Second Edition S488-CSTG-16		Committee Counsel

SUMMARY: The PCS to Senate Bill 488 makes various changes to The Homeowner and Homebuyer Protection Act enacted in 2010.

CURRENT LAW: Chapter 47G - Option to Purchase Contracts Executed with Lease Agreements regulates option contracts, which are contracts containing an option to purchase real property which includes or is combined with, or executed in conjunction with a residential lease agreement. Every option contract must be in writing and contain all the terms agreed to by the parties. The seller must record a copy of the contract or a memorandum of the contract with the register of deeds of the county in which the property is located. If the property is encumbered and the option seller defaults on the loan secured by the property, the purchaser may elect to exercise the option or cancel the contract and receive a refund of the money paid minus an offset for the rental value and for any damages beyond normal wear and tear. A violation of the Chapter is an unfair trade practice under G.S. 75-1.1.

Chapter 47H - Contracts for Deed regulates contracts for deed, which are contracts in which a seller agrees to sell an interest in property to a purchaser and the purchaser agrees to pay the purchase price in 5 or more payments exclusive of the down payment and the seller retains the title to the property as security for the purchaser's obligation under the agreement.

Every contract for deed must be in writing, signed by all parties, and contain all of the terms agreed to. In addition, each contract for deed must contain a number of specific provisions including a description of conditions of the property and a statement of the amount of the lien and the due date of any periodic payments if the property is encumbered and the seller is not a general contractor or a manufactured housing dealer. A seller may not enter into a contract for deed if the seller does not hold title to the property. If the seller's title is encumbered, the seller may only enter a contract for deed if one of the following conditions is met:

- The encumbrance was agreed to by the purchaser to make improvements on the property.
- The encumbrance was placed on the property prior to the contract of deed, if the seller is a licensed general contractor, licensed manufactured home dealer, or licensed real estate broker who continues to make timely payments.
- The encumbrance was placed on the property prior to the contract of deed, if the seller is not a licensed general contractor, licensed manufactured home dealer, or licensed real estate broker, if the lien is attached only to the property sold to the purchaser and the seller continues to make timely payments.

If the property is encumbered by a deed of trust, mortgage, or other encumbrance which constitutes a lien on the property, a seller must notify the purchaser in a separate written disclosure, in 14-point type, boldface capital letters that **THE PROPERTY HAS EXISTING LIENS ON IT. IF THE SELLER FAILS TO MAKE TIMELY PAYMENTS TO THE LIEN HOLDER, THE LIEN HOLDER MAY FORECLOSE ON THE PROPERTY, EVEN IF YOU HAVE MADE ALL YOUR**

PAYMENTS. A seller may not charge a late fee in excess of 4% of the past due amount under a contract for deed. A violation would be an unfair trade practice under G.S. 75-1.1

BILL ANALYSIS:

Section 1 amends various definitions contained in Chapter 47G. The definition of "covered lease agreement" is defined as a residential lease agreement where some or all of the rental payments are applies to the purchase price of the property that is the subject of the lease and the option contract. The definition of "option contract" is modified to not include a contract which obligates the buyer to purchase the property even if the obligation is subject to one or more contingencies or unilateral rights to terminate the contract. The definition of "option fee" is modified to prohibit an option fee paid at closing from constituting equity in the property and does not create a right of equitable redemption.

Sections 2 and 3 modify the Remedies provisions of Chapter 47G and 47H to provide that a violation of the Chapter may, but is not conclusively, an unfair and deceptive trade practice subject to treble damages and recovery by the plaintiff of attorney's fees

EFFECTIVE DATE: The act becomes effective October 1, 2011, and applies to agreements entered into on or after that date.

Kory Goldsmith, counsel to Senate Commerce, substantially contributed to this summary.

S488-SMTG-64(CSTG-16) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 488
Judiciary I Committee Substitute Adopted 5/2/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S488-CSTG-36 [v.3]

6/15/2011 12:07:26 PM

Short Title: Homeowner/Homebuyer Protection Act. (Public)

Sponsors:

Referred to:

April 4, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE HOMEOWNER AND HOMEBUYER PROTECTION ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47G-1 reads as rewritten:

"**§ 47G-1. Definitions.**

The following definitions apply in this Chapter:

(1) Covered lease ~~agreement or lease~~ agreement. – A residential lease agreement ~~that is combined with, or is executed concurrently with, an option contract.~~ in which all or some portion of the rental payments made are applied to the purchase price of the real property which is the subject of the covered lease agreement and the covered option contract.

...

(4) Option contract or contract. – An option contract for the purchase of property that includes or is combined with, or is executed in conjunction with, a covered lease agreement. The term does not include a contract which obligates the buyer to purchase the property even though the obligation may be subject to one or more contingencies or unilateral rights to terminate the contract.

(5) Option fee. – Any payment, however denominated, made by the option purchaser to the option seller that constitutes the price the option purchaser pays for the right to buy the property at a specified price in the future. Such payment applied at the closing of the property shall not constitute equity and such payment shall not in and of itself create a right of equitable redemption.

..."

SECTION 2. G.S. 47G-7 reads as rewritten:

"**§ 47G-7. Remedies.**

~~A violation of any provision of this Chapter constitutes an unfair trade practice under G.S. 75-1.1.~~ An option purchaser may bring an action for the recovery of damages, to void a transaction executed in violation of this Chapter, as well as for declaratory or equitable relief for a violation of this Chapter. The rights and remedies provided herein are cumulative to, and not a limitation of, any other rights and remedies provided by law or ~~equity.~~ equity, including G.S. 75-1.1. Nothing in this Chapter shall be construed to subject an individual homeowner

selling his or her primary residence directly to an option purchaser to liability under G.S. 75-1.1."

SECTION 3. G.S. 47H-8 reads as rewritten:

"**§ 47H-8. Remedies.**

~~A violation of any provision of this Chapter constitutes an unfair trade practice under G.S. 75-1.1.~~ A purchaser may bring an action for the recovery of damages, to rescind a transaction, as well as for declaratory or equitable relief, for a violation of this Chapter. The rights and remedies provided herein are cumulative to, and not a limitation of, any other rights and remedies provided by law or ~~equity.~~ Equity, including G.S. 75-1.1. Nothing in this Chapter shall be construed to subject an individual homeowner selling his or her primary residence directly to a buyer to liability under G.S. 75-1.1."

SECTION 4. This act becomes effective October 1, 2011, and applies to transactions entered on or after that date.

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 339 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO PROVIDE ADDITIONAL FISCAL AND TECHNICAL OVERSIGHT OF THE DRIVER EDUCATION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒ Committee Substitute for

SB 488 A BILL TO BE ENTITLED AN ACT REQUIRING LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill..

(FOR JOURNAL USE ONLY)

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

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

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

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	5-25-2011	5-31-2011	6-2-2011	06-03-2011	06-07-2011	06-08-2011	6-14-2011	6-15-2011							
Rep. Stephen LaRoque Chair	X		X	X	X		X	X							
Rep. Tim Moore Chair	X	X	X	X	X	X	X								
Rep. Bill Owens Vice Chair	X	X	X	X	X		X	X							
Rep. Johnathan Rhyne Vice Chair	X			X		X		X							
Rep. Martha Alexander	X	X	X				X	X							
Rep. John Blust	X	X	X			X	X	X							
Rep. Jim Crawford	X							X							
Rep. Leo Daughtry	X		X	X		X	X								
Rep. Bill Faison		X	X			X	X	X							
Rep. Jean Farmer- Butterfield	X		X	X			X	X							
Rep. Dale Folwell	X						X								
Rep. Mitch Gillsepie	X	X		X		X	X								
Rep. Joe Hackney	X	X	X	X			X	X							
Rep. Dewey Hill	X	X	X	X		X	X								
Rep. Mark Hilton	X	X	X	X		X	X	X							
Rep. Maggie Jeffus	X	X	X	X		X	X	X							
Rep. Linda Johnson	X	X	X			X		X							
Rep. Paul Luebke	X	X	X	X		X	X	X							
Rep. Danny McComas	X			X		X	X								
Rep. Tim Moffitt	X		X	X	X	X	X	X							
Rep. Earline Parmon	X		X				X								
Rep. Ruth Samuelson	X		X	X		X	X								
Rep. Paul Stam	X		X	X			X								
Rep. Mike Stone	X	X	X	X	X	X	X	X							
Kory Goldsmith	X	X	X	X	X	X		X							
Bill Patterson			X	X	X	X	X	X							
Kelly Quick	X	X	X	X	X	X	X	X							

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE JUDICIARY SUB C

DATE: 6-15-2011 **Room:** 1228

*Name: Andrew Fisher

County: Wake

Sponsor: Avila

*Name: Wes Hearner

County: Gaston

Sponsor: Rep. Current

*Name:

County:

Sponsor:

*Name:

County:

Sponsor:

*Name:

County:

Sponsor:

House Sgt-At Arms:

1. Name: BOB ROSSI
2. Name: BILL BASS
3. Name:
4. Name:
5. Name:
6. Name:

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 6-15-2011 **Room:** 1228

*Name: Katie Hester
County: Bladen
Sponsor: Brisson
*Name: Courtney Sheets
County: Mecklenburg
Sponsor: Brisson
*Name: Benton Kribbs
County: Rowan
Sponsor: Rep. Harry Warren
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: Ken Kirby
Name:
4. Name:
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

Rules — 6-15-2011

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Forrest Gilliam	Governor's Office
Robin Johnson	NCASA
Jon Carr	Jordan Price Law Firm
DAVID BARNES	PS
Gene Causby	NCSCA
Jason Killian	Nelson Mullins
John Nichols	Pitt County
Paula Page	NCFB
Paul Sherman	NCFB
Chris Agnew	DOA
Carley Ruff	NCITC
David Allen	NCLM

VISITOR REGISTRATION SHEET

Rules — 6/15/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Wendy Kelly	Phelps Group
Andrew Meehan	Capstrat
Julia Hawes	NCJC
Leanne Winner	NCSBA
Bruce Thompson	Parker Poe
Ken Melton	K.M.A.
Alex Daniel	NCJC
Sarah Ovaska	NC Policy Watch
David Ferrell	NCLTA
Jon Pike	NCAHA
Heather Barrett	Williams Mullen

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kari Barsness	DENR
[signature]	CHPN
Dana Herron	WRA

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Wallace Bradsher	Elected DA for District 9A Person/Caswell
Beth Young	FPLC
[illegible]	NC [illegible] CR
[illegible] Rowe	"
[illegible] McMillan	NC AFL-CIO
Kate Woomer-Deters	NC Justice Center
[illegible]	[illegible]
Cady Thomas	NCAR
[illegible]	SA
[illegible]	NPS
[illegible]	NPRS
Chris Valluzzi	Valluzzi Group LLC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Zeb Alley	NMRS
Maeve Hill	Smith Anderson
Micheline Henry	Smith Anderson
Colleen Kochanek	KLC
Durwood	NS
Gordon Payne	MWC
Natalie Cavinese	NCDOJ
Bill Scoggin	TCS
Allison Waller	Nelson Mullins
Paula Hildebrand	DPI
J.D. Everett	DPI
Chuck Stone	SEANC

VISITOR REGISTRATION SHEET

Rules — June 15, 2014

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barbara Host	NCRTL
Drew Martin	Raleigh Chamber
Jason Adams	[illegible]
[illegible]	NCICU
Hunt Harris	NMSS-NC
Rachel Hovde	NMSS-NC
Will Pauly Hines	NCTHFA
Butch Gunnells	NCBA
Dick Carlton	atty.
Matt Randall	NCSBA
Ken Bare	MCC

VISITOR REGISTRATION SHEET

rules — Name of Committee

6/15/11 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Angel Sams	NSS
Doug Miskew	PSG
Jim Johnson	BSA
[signature]	NCNA
BJ Miller	CONE Health
Ralph Hise	Senate
Jessi Hayes	NCHBA

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 17, 2011

The Committee on Rules, Calendar and Operations of the House met on June 17, 2011 at 10:34 am in Room 1327 of the Legislative Building. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Daughtry, Farmer-Butterfield, Hackney, Hilton, Luebke, Moffitt, Samuelson, Stam and Stone.

Rep. LaRoque presided.

The Following Bill was considered:

SB 593Government Reduction Act. (Senator Clary, Brock, Soucek Primary Sponsors) Rep Hackney made a motion for the PCS to be before the committee. Vote called motion passes. No discussion or debate. Rep. Samuelson sent forth an amendment. Vote was call amendment passed. Rep. Stone motioned for a favorable report as to the PCS as amended to be rolled into a new PCS, unfavorable to the original Vote was called. Motion passed.

Chair LaRoque adjourned at 10:35 am.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	5-25-2011	5-31-2011	6-2-2011	06-03-2011	06-07-2011	06-08-2011	6-14-2011	6-15-2011	6-16-2011						
Rep. Stephen LaRoque Chair	X		X	X	X		X	X	X						
Rep. Tim Moore Chair	X	X	X	X	X	X	X		X						
Rep. Bill Owens Vice Chair	X	X	X	X	X		X	X							
Rep. Johnathan Rhyne Vice Chair	X			X		X		X	X						
Rep. Martha Alexander	X	X	X				X	X	X						
Rep. John Blust	X	X	X			X	X	X	X						
Rep. Jim Crawford	X							X							
Rep. Leo Daughtry	X		X	X		X	X								
Rep. Bill Faison		X	X			X	X	X	X						
Rep. Jean Farmer- Butterfield	X		X	X			X	X	X						
Rep. Dale Folwell	X						X								
Rep. Mitch Gillsepie	X	X		X		X	X								
Rep. Joe Hackney	X	X	X	X			X	X	X						
Rep. Dewey Hill	X	X	X	X		X	X		X						
Rep. Mark Hilton	X	X	X	X		X	X	X	X						
Rep. Maggie Jeffus	X	X	X	X		X	X	X	X						
Rep. Linda Johnson	X	X	X			X		X	X						
Rep. Paul Luebke	X	X	X	X		X	X	X	X						
Rep. Danny McComas	X			X		X	X								
Rep. Tim Moffitt	X		X	X	X	X	X	X	X						
Rep. Earline Parmon	X		X				X								
Rep. Ruth Samuelson	X		X	X		X	X		X						
Rep. Paul Stam	X		X	X			X		x						
Rep. Mike Stone	X	X	X	X	X	X	X	X	x						
Kory Goldsmith	X	X	X	X	X	X		X							
Bill Patterson			X	X	X	X	X	X	X						
Kelly Quick	X	X	X	X	X	X	X	X	X						

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 148*
PROPOSED HOUSE COMMITTEE SUBSTITUTE S148-PCS35292-TE-5

Short Title: GSC Tech Corrections/Other Changes. (Public)

Sponsors:

Referred to:

March 1, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE OTHER TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

PART I. TECHNICAL CHANGES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION

SECTION 1. G.S. 1C-1603(a) reads as rewritten:

"**§ 1C-1603. Procedure for setting aside exempt property.**

(a) Motion or Petition; Notice. –

(1) A judgment debtor may have his exempt property designated by motion after judgment has been entered against him.

(2) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1224, s. 10.

(3) The clerk or district court judge may determine that particular property is not exempt even though there has been no proceeding to designate the exemption.

(4) After judgment, except as provided in G.S. 1C-1603(a)(3) or when exemptions have already been designated, the clerk may not issue an execution or writ of possession unless notice from the court has been served upon the judgment debtor advising the debtor of the debtor's rights. The judgment creditor shall cause the notice, which shall be accompanied by the form for the statement by the debtor under subsection (c) of this section, to be served on the debtor as provided in G.S. 1A-1, Rule 4(j)(1). If the judgment debtor cannot be served as provided above, the judgment creditor may serve the judgment debtor by mailing a copy of the notice to the judgment debtor at the debtor's last known address. Proof of service by certified or registered mail or personal service is as provided in G.S. 1A-1, Rule 4. The judgment creditor may prove service by mailing to last known address by filing a certificate that the notice was served indicating the circumstances warranting the use of such service and the date and address of service. The notice shall be substantially in the following form:

...

8. That I wish to claim my interest in the following real or personal property, or in a cooperative that owns property, that I use as a residence or my dependent uses as a residence. I also wish to claim my interest in the following burial plots for myself or my dependents. I understand that my total interest claimed in the residence and burial plots may not exceed ~~$18,500,~~ $35,000, except that if I am unmarried and am 65 years of age or older, I am entitled to claim a total exemption in the residence and burial plots not to exceed ~~$37,000~~ $60,000 so long as the property was previously owned by me as a tenant by the entireties or as a joint tenant with rights of survivorship, and the former co-owner of the property is deceased.

I understand that I am not entitled to this exemption if I take the homestead exemption provided by the Constitution of North Carolina in other property. I understand that if I wish to claim more than one parcel exempt I must attach additional pages setting forth the following information for each parcel claimed exempt.

Property Location:

County _____ Township _____

Street Address _____

Legal Description:

Number by which county tax assessor identifies property _____

Description (Attach a copy of your deed or other instrument of conveyance that describes the property and indicate here: _____ or describe the property in as much detail as possible. Attach additional sheets if necessary.)

_____

_____

_____

Record Owner(s) _____

_____

_____

Estimated Value: _____

Lienholders:

(1) Name _____ Current Balance _____

Address _____

(2) Name _____ Current Balance _____

Address _____

(3) Name _____ Current Balance _____

Address _____

(4) If others, attach additional pages.

If you are unmarried and 65 years of age or older, specify which, if any, property listed above was previously owned by you as a tenant by the entireties or as a joint tenant with rights of survivorship and as to which the former co-owner of the property is deceased:

...

15. That I wish to claim the following property as exempt because I claimed residential real or personal property as exempt that is worth less than ~~$18,500~~ $35,000 or I made no claim for a residential exemption under section (8) above. I understand that I am entitled to an exemption of up to $5,000 in any property only if I made no claim under section (8) above or a claim that was less than ~~$18,500~~ $35,000 under section (8) above. I understand that I am entitled to claim any unused amount that I was permitted to make under section (8) above up to a maximum of $5,000 in any property. (Examples: (a) if you claim ~~$17,500~~ $34,000 under section (8), $1,000 allowed here; (b) if you claim ~~$13,500~~ $30,000 under section (8), $5,000 allowed here; (c) if you claim ~~$18,500~~ $35,000 under section (8), no claim allowed here.) I further understand that the amount of my claim under this section is after the deduction from the value of this property of the amount of any valid lien or purchase money security interests and that tangible personal property purchased within 90 days of this proceeding may not be exempt.

..."

SECTION 2. G.S. 7A-304(a)(3a) reads as rewritten:

"(3a) For the supplemental pension benefits of sheriffs, the sum of one dollar twenty-five cents ($1.25) to be remitted to the Department of Justice and administered under the provisions of ~~Article 12G~~ Article 12H of Chapter 143 of the General Statutes."

SECTION 3. G.S. 15B-11(b1) reads as rewritten:

"(b1) The Commission or Director, whichever has the authority to decide a claim under G.S. 15B-10, shall ~~use the Commission's/Director's~~ exercise discretion in determining whether to deny a claim under subsection (b) of this section. In exercising ~~its~~ discretion, the Commission or Director shall consider whether any proximate cause exists between the injury and the misdemeanor or contributory misconduct, when applicable. The Director or Commission shall deny claims ~~when it finds~~ upon a finding that there was contributory misconduct that is a proximate cause of becoming a victim. However, contributory misconduct that is not a proximate cause of becoming a victim shall not lead to an automatic denial of a claim."

SECTION 4. G.S. 19A-62(b) reads as rewritten:

"(b) Use. – The revenue in the Account shall be used by the Department of Agriculture and Consumer Services as follows:

(1) Repealed by Session Laws 2010-31, s. 11.4(c), effective October 1, 2010.

(2) Up to twenty percent (20%) may be used to develop and implement the statewide education program component of the Spay/Neuter Program established in ~~G.S. 19A-61(a).~~G.S. 19A-61(1).

(3) Up to twenty percent (20%) of the money in the Account may be used to defray the costs of administering the Spay/Neuter Program established in this Article.

(4) Funds remaining after deductions for the education program and administrative expenses shall be distributed quarterly to eligible counties and cities seeking reimbursement for reduced-cost spay/neuter surgeries performed during the previous calendar year. A county or city is ineligible to receive funds under this subdivision unless it requires the owner to show proof of rabies vaccination at the time of the procedure or, if none, require vaccination at the time of the procedure."

SECTION 5.(a) G.S. 28A-13-6 reads as rewritten:

"**§ 28A-13-6. Exercise of powers of joint personal representatives by one or more than one.**

(a) Repealed by Session Laws 2005-192, s. 5, effective January 1, 2006.

(b) If a will expressly makes provision for the execution of any of the powers of personal representatives by all of them or by any one or more of them, the provisions of the will govern.

(c) Repealed by Session Laws 2005-192, s. 5, effective January 1, 2006.

(c1) If there is no governing provision in the will, personal representatives may, by written agreement signed by all of them and filed with and approved by the clerk of superior court of the county in which the personal representatives qualified, provide that any designated one or more of the personal representatives may exercise one or more of the following powers:

(1) Establish and maintain bank accounts for the ~~trust~~ estate and issue checks for the estate.

(2) Maintain inventories, accountings, and income and expense records of the estate.

(3) Enter any safety deposit box rented by the estate.

(4) Employ persons as advisors or assistants in the performance of administrative duties, including agents, attorneys, accountants, brokers, appraisers, and custodians.
(5) List estate property for taxes and prepare and file tax returns for the ~~trust.~~estate.
(6) Collect and give receipts for claims and debts of the estate.
(7) Pay debts, claims, costs of administration, and taxes of the estate.
(8) Compromise, adjust, or otherwise settle any claim by or against the ~~trust~~ estate and release, in whole or in part, a claim belonging to the estate.
(9) Have custody of the estate property.
(10) Perform any function relating to investment of estate assets.

(d) Subject to subsection (b) of this section, if two or more personal representatives own shares of corporate stock or other securities, their acts with respect to voting shall have the following effect:
(1) If only one votes, in person or by proxy, that personal representative's act binds all;
(2) If more than one vote, in person or by proxy, the act of the majority so voting binds all;
(3) If more that one vote, in person or by proxy, but the vote is evenly split on any particular matter, each faction is entitled to vote the stock or other securities in question proportionately.

(e) Subject to subsections (b), (c1), and (d) of this section, all other acts and duties must be performed by both of the personal representatives if there are two, and by a majority of them if there are more than two. No personal representative who has not joined in exercising a power shall be liable for the consequences of such exercise, nor shall a dissenting personal representative be liable for the consequences of an act in which the personal representative joins at the direction of the majority of the personal representatives, if that personal representative expressed his or her dissent in writing to any other personal representative at or before the time of such joinder.

(f) No personal representative shall be relieved of liability on his or her bond or otherwise by entering into any agreement under this section."

SECTION 5.(b) If Senate Bill 432, 2011 Regular Session, becomes law, this section is repealed on the effective date of that act.

SECTION 6. G.S. 28A-15-9.1 and G.S. 28A-21-3.1 are repealed.

SECTION 7. G.S. 58-70-155(b) reads as rewritten:

"(b) The only evidence sufficient to establish the amount and nature of the debt shall be properly authenticated business records that satisfy the requirements of ~~Rule 803(b)~~ Rule 803(6) of the North Carolina Rules of Evidence. The authenticated business records shall include at least all of the following items:
(1) The original account number.
(2) The original creditor.
(3) The amount of the original debt.
(4) An itemization of charges and fees claimed to be owed.
(5) The original charge-off balance, or, if the balance has not been charged off, an explanation of how the balance was calculated.
(6) An itemization of post charge-off additions, where applicable.
(7) The date of last payment.
(8) The amount of interest claimed and the basis for the interest charged."

SECTION 8. G.S. 143-318.10(a) reads as rewritten:

"**§ 143-318.10. All official meetings of public bodies open to the public.**

(a) Except as provided in G.S. 143-318.11, 143-318.14A, ~~143-318.15,~~ and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting."

SECTION 9. G.S. 153A-320 reads as rewritten:.

"**§ 153A-320. Territorial jurisdiction.**

Each of the powers granted to counties by this ~~Article, by Chapter 157A, and by Chapter 160A, Article 19~~ Article and by Article 19 of Chapter 160A may be exercised throughout the county except as otherwise provided in G.S. 160A-360."

SECTION 10. G.S. 160A-288.2(d) reads as rewritten:

"(d) For the purposes of this section, the following shall be considered the equivalent of a municipal police department:

(1) Campus law-enforcement agencies established pursuant to ~~G.S. 116-40.5(a), and~~ G.S. 116-40.5(a).

(2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E or Chapter 74G of the General Statutes.

(3) Butner Public Safety.

SECTION 11. Unless otherwise provided, Part I of this act is effective when it becomes law.

PART II. OTHER CHANGES

SECTION 12.(a) G.S. 7B-602(a) reads as rewritten:

"(a) In cases where the juvenile petition alleges that a juvenile is abused, neglected, or dependent, the parent has the right to counsel and to appointed counsel in cases of indigency unless that person waives the right. When a petition is filed alleging that a juvenile is abused, neglected, or dependent, the clerk shall appoint provisional counsel for each parent named in the petition in accordance with rules adopted by the Office of Indigent Defense Services and shall indicate the appointment on the juvenile summons or attached notice. At the first hearing, the court shall dismiss the provisional counsel if the respondent parent:

(1) Does not appear at the hearing;

(2) Does not qualify for court-appointed counsel;

(3) Has retained counsel; or

(4) Waives the right to counsel.

The court shall confirm the appointment of counsel if subdivisions (1) through (4) of this subsection are not applicable to the respondent parent.

The court may reconsider a parent's eligibility and desire for appointed counsel at any stage of the proceeding."

SECTION 12.(b) G.S. 7B-1110.1(a) reads as rewritten:

"(a) The parent has the right to counsel, and to appointed counsel in cases of indigency, unless the parent waives the right. The fees of appointed counsel shall be borne by the Office of Indigent Defense Services. When a petition is filed, unless the parent is already represented by counsel, the clerk shall appoint provisional counsel for each respondent parent named in the petition in accordance with rules adopted by the Office of Indigent Defense Services and shall indicate the appointment on the juvenile summons. At the first hearing after service upon the respondent parent, the court shall dismiss the provisional counsel if the respondent parent:

(1) Does not appear at the hearing;

(2) Does not qualify for court-appointed counsel;

(3) Has retained counsel; or

(4) Waives the right to counsel.

The court shall confirm the appointment of counsel if subdivisions (1) through (4) of this subsection are not applicable to the respondent parent. The court may reconsider a parent's eligibility and desire for appointed counsel at any stage of the proceeding."

SECTION 12.(c) G.S. 15A-1345(e) reads as rewritten:

"(e) Revocation Hearing. – Before revoking or extending probation, the court must, unless the probationer waives the hearing, hold a hearing to determine whether to revoke or extend probation and must make findings to support the decision and a summary record of the proceedings. The State must give the probationer notice of the hearing and its purpose, including a statement of the violations alleged. The notice, unless waived by the probationer, must be given at least 24 hours before the hearing. At the hearing, evidence against the probationer must be disclosed to him, and the probationer may appear and speak in his own behalf, may present relevant information, and may confront and cross-examine adverse witnesses unless the court finds good cause for not allowing confrontation. The probationer is entitled to be represented by counsel at the hearing and, if indigent, to have counsel ~~appointed.~~ appointed in accordance with rules adopted by the Office of Indigent Defense Services. Formal rules of evidence do not apply at the hearing, but the record or recollection of evidence or testimony introduced at the preliminary hearing on probation violation are inadmissible as evidence at the revocation hearing. When the violation alleged is the nonpayment of fine or costs, the issues and procedures at the hearing include those specified in G.S. 15A-1364 for response to nonpayment of fine."

SECTION 12.(d) G.S. 15A-269(c) reads as rewritten:

"(c) ~~The~~ In accordance with rules adopted by the Office of Indigent Defense Services, the court shall appoint counsel for the person who brings a motion under this section if that person is indigent. If the petitioner has filed pro se, the court shall appoint counsel for the petitioner in accordance with rules adopted by the Office of Indigent Defense Services upon a showing that the DNA testing may be material to the petitioner's claim of wrongful conviction."

SECTION 12.(e) G.S. 15A-270.1 reads as rewritten:

"**§ 15A-270.1. Right to appeal denial of defendant's motion for DNA testing.**

The defendant may appeal an order denying the defendant's motion for DNA testing under this Article, including by an interlocutory appeal. The court shall appoint counsel in accordance with rules adopted by the Office of Indigent Defense Services upon a finding of indigency."

SECTION 13.(a) G.S. 8-34(b) reads as rewritten:

"(b) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(b) G.S. 8-45.1(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(c) G.S. 8-45.3(b) reads as rewritten:

"(b) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for

preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(d) G.S. 153A-436(f) reads as rewritten:

"(f) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(e) G.S. 160A-490(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 14.(a) G.S. 90-89(3) is amended by adding the following sub-subdivisions:

"dd. Alpha-Methyltryptamine.

ee. 5-Methoxy-n-diisopropyltryptamine."

SECTION 14.(b) G.S. 90-89(5) is amended by adding the following sub-subdivisions:

"h. N-Benzylpiperazine.

i. 2,5 – Dimethoxy-4-(n)-propylthiophenethylamine."

SECTION 14.(c) G.S. 90-90(3) is amended by adding a new sub-subdivision to read:

"f. Lisdexamfetamine, including its salts, isomers, and salts of isomers."

SECTION 14.(d) G.S. 90-90(2) is amended by adding a new sub-subdivision to read:

"aa. Tapentatol."

SECTION 14.(e) G.S. 90-91(k)5. reads as rewritten:

"5. Nandrolone ~~deconoate,~~decanoate,".

SECTION 15.(a) G.S. 18C-150 reads as rewritten:

"**§ 18C-150. Procurements.**

The Commission shall be exempt from Article 3 of Chapter 143 of the General Statutes but may use the services of the Department of Administration in procuring goods and services for the Commission. However, the Commission shall include in all contracts to be awarded by the Commission under this section a standard clause which provides that the State Auditor and internal auditors of the Commission may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commission shall not award a cost plus percentage of cost contract for any purpose. For purposes of this provision, "cost plus percentage of cost contract" is defined as a contract under which the contractor receives payment for indeterminate costs plus a stated percentage or amount of profit based upon such costs. This provision shall not apply to Commission contracts that require costs to be predetermined and approved by the Commission and a total not to exceed the amount specified in each contract to be paid to the contractor."

SECTION 15.(b) G.S. 53-320(d) reads as rewritten:

"(d) The Commissioner may enter into agreements with any bank supervisory agency supervising (i) a State trust institution engaging in trust business outside this State or (ii) an out-of-state trust institution maintaining a trust office or representative trust office in this State to engage the services of the agency's examiners at a reasonable rate of compensation or to provide the services of the Commissioner's examiners to the agency at a reasonable rate of compensation. Article 3 of Chapter 143 of the General Statutes does not apply to agreements authorized by this subsection. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(c) G.S. 53-326(d) reads as rewritten:

"(d) The Commissioner may enter into agreements with bank supervisory agencies supervising (i) a State trust institution engaging in trust business in a foreign country or (ii) a foreign trust institution maintaining a trust office or representative trust office in this State to engage the services of the bank supervisory agency's examiners at a reasonable rate of compensation or to provide the services of the Commissioner's examiners to the bank supervisory agency at a reasonable rate of compensation. Article 3 of Chapter 143 of the General Statutes does not apply to agreements authorized by this section. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(d) G.S. 53-391 reads as rewritten:

"**§ 53-391. Employment of counsel, accountants, and other experts; compensation.**

The Commissioner, for the purpose of exercising any power under the provisions of this Subpart, may (i) employ any liquidating agents, attorneys, accountants, consultants, and clerks necessary to properly conduct the business of or liquidate and distribute the assets of a State trust company; (ii) fix the compensation for the agents, attorneys, accountants, consultants, and clerks; and (iii) pay the compensation of those persons out of the assets of the State trust company. Provided, that all expenditures described in this section shall be approved by the resident or presiding judge in the county in which the action is pending. Payments made by the Commissioner pursuant to this section shall not be subject to the requirements of Article 3 of Chapter 143 of the General Statutes. As used in this Subpart, the term "Commissioner" includes the Commissioner's duly appointed agents. The Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this section a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after

the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(e) G.S. 53-401 reads as rewritten:

"**§ 53-401. Provisions for conservator; duties and powers.**

Whenever the Commissioner deems it necessary in order to conserve the assets of a State trust company for the benefit of clients or creditors, the Commissioner may appoint a conservator for the State trust company and require of the conservator a bond with any surety the Commissioner deems necessary and proper in an amount deemed sufficient by the Commissioner. The conservator, under the direction of the Commissioner, shall take possession of the fiduciary records and other books, records, and assets of every description of the State trust company placed under conservatorship and take actions necessary to conserve those assets pending further disposition of its business as provided by law. Except as provided in G.S. 53-405, the conservator shall have all rights, powers, and privileges, subject to the approval of the Commissioner, now possessed by or given to the Commissioner under the provisions of Subpart B and Subpart D of this Part. All expenses of the conservator shall be paid out of the assets of the State trust company under conservatorship and shall be a lien thereon which shall be prior to any other lien provided by law. The compensation of the conservator shall be determined by the Commissioner and shall be based on the time and experience of the conservator and the complexity of the conservatorship. Compensation of the conservator shall not be subject to the requirements of Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this section a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the conservator during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(f) G.S. 58-2-69(g) reads as rewritten:

"(g) The Commissioner may contract with the NAIC or other persons for the provision of online services to licensees, for the provision of administrative services to licensees, or for the provision of regulatory data systems to the Commissioner. The NAIC or other person with whom the Commissioner contracts may charge licensees a reasonable fee for the costs associated with the licensees' use of online services and administrative services. The fee shall be agreed to by the Commissioner and the other contracting party and shall be stated in the contract. Contracts for the provision of online services, contracts for the provision of administrative services, and contracts for the provision of regulatory data systems shall not be subject to Article 3, 3C, or 8 of Chapter 143 of the General Statutes or to Article 3D of Chapter 147 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(g) G.S. 58-33-30(e) reads as rewritten:

"§ 58-33-30. License requirements.

...

(e) Examination.

...

(4) The answers of the applicant to the examination shall be provided by the applicant under the Commissioner's supervision. The Commissioner shall give examinations at such times and places within this State as the Commissioner considers necessary reasonably to serve the convenience of both the Commissioner and applicants: Provided that the Commissioner may contract directly with persons for the processing of examination application forms and for the administration and grading of the examinations required by this section; the Commissioner may charge a reasonable fee in addition to the registration fee charged under G.S. 58-33-125, to offset the cost of the examination contract authorized by this subsection; and such contracts shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost contract for any purpose.

(5) The Commissioner shall collect in advance the examination and registration fees provided in G.S. 58-33-125 and in subsection (4) of this section. The Commissioner shall make or cause to be made available to all applicants, for a reasonable fee to offset the costs of production, materials that he considers necessary for the applicants' proper preparation for examinations. The Commissioner may contract directly with publishers and other suppliers for the production of the preparatory materials, and contracts so let by the Commissioner shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost contract for any purpose.

...."

SECTION 15.(h) G.S. 58-33-125(e) reads as rewritten:

"(e) A resident licensee may obtain a duplicate photo-bearing license at times and places within this State that the Commissioner considers necessary and reasonable to serve the convenience of both the Commissioner and the licensee. The Commissioner may contract directly with persons for processing of duplicate photo-bearing licenses, and the contract shall

not be subject to Article 3 of Chapter 143 of the General Statutes. The Commissioner may charge a reasonable fee for duplicating a photo-bearing license in an amount that offsets the costs to the Department of duplicating the license, including costs associated with any contract entered into pursuant to this subsection. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(i) G.S. 58-33-130(a) reads as rewritten:

"**§ 58-33-130. Continuing education program for licensees.**

(a) The Commissioner may adopt rules to provide for a program of continuing education requirements for the purpose of enhancing the professional competence and professional responsibility of adjusters and motor vehicle damage appraisers. The rules may include criteria for:

(1) The content of continuing education courses;
(2) Accreditation of continuing education sponsors and programs;
(3) Accreditation of videotape or other audiovisual programs;
(4) Computation of credit;
(5) Special cases and exemptions;
(6) General compliance procedures; and
(7) Sanctions for noncompliance.

The Commissioner may contract directly with persons for the administration of the program provided for by this section, and those contracts shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose. The Commissioner may charge a reasonable fee to course providers to offset the cost of the program, including costs associated with contracts authorized by this subsection. The fee authorized by this subsection shall be in addition to the fees specified in G.S. 58-33-133. As used in this section and in G.S. 58-33-132, "administrator" means any person with whom the Commissioner has contracted under this subsection."

SECTION 15.(j) G.S. 58-71-40(d) reads as rewritten:

"(d) When a license is issued under this section, the Commissioner shall issue a picture identification card, of design, size, and content approved by the Commissioner, to the licensee. Each licensee must carry this card at all times when working in the scope of the licensee's employment. A licensee whose license terminates or is terminated shall surrender the identification card to the Commissioner within 10 working days after the termination. The Commissioner may contract directly with persons for the processing and issuance of picture identification cards required by this section and may charge a reasonable fee in addition to the license fee charged under G.S. 58-71-55 in an amount that offsets the cost of the service, including the costs associated with the contract authorized by this subsection. Contracts entered

into pursuant to this subsection shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(k) G.S. 63A-24(1) reads as rewritten:

"(1) Article 3 of Chapter 143 of the General Statutes does not apply to contracts for services listed in 49 U.S.C. § 2210(a)(16) or contracts for special user projects. That Article also does not apply to other contracts for projects, but, with respect to these other contracts, the powers and duties established in that Article shall be exercised by the Authority and the Secretary of Administration, and other State officers, employees, or agencies shall have no duties or responsibilities concerning the contracts. However, the Authority shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Authority under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Authority may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Authority shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(l) G.S. 84-23(d) reads as rewritten:

"(d) The Council may acquire, hold, rent, encumber, alienate, lease, and otherwise deal with real or personal property in the same manner as any private person or corporation, subject only to the approval of the Governor and the Council of State as to the acquisition, rental, encumbering, leasing and sale of real property. The Council may borrow money upon its bonds, notes, debentures, or other evidences of indebtedness sold through public or private sale pursuant to a loan agreement or a trust agreement or indenture with a trustee, with such borrowing either unsecured or secured by a mortgage on the Council's interest in real or personal property, and engage and contract with attorneys, underwriters, financial advisors, and other parties as necessary for such borrowing, with such borrowing and security subject to the approval of the Governor and the Council of State. The Council may utilize the services of the Purchase and Contract Division of the Department of Administration to procure personal property, in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes. However, the Council shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Council under this subsection a standard clause which provides that the State Auditor and internal auditors of the Council may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Council shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(m) G.S. 89E-5(e) reads as rewritten:

"(e) The Board may authorize expenditures deemed necessary to carry out the provisions of this Chapter and all expenses shall be paid upon the warrant of the Board treasurer. The Board treasurer shall deposit funds received by the Board in one or more funds in banks or other financial institutions carrying deposit insurance and authorized to do business in North Carolina. Interest earned on such funds may remain in the funds account and may be expended as authorized by the Board to carry out the provisions of this Chapter. In no event may expenditures exceed the revenues of the Board during any fiscal year. The Board is authorized and empowered to utilize the services of the Purchase and Contract Division of the Department of Administration for the procurement of personal property, in accordance with Article 3 of Chapter 143 of the General Statutes. The Board shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(n) G.S. 89F-5(d) reads as rewritten:

"(d) The Board may employ the necessary personnel for the performance of its functions and shall fix their compensation within the limits of funds available to the Board. The Board may procure personal property in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes. The Board shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(o) G.S. 108A-55(b) reads as rewritten:

"(b) Payments shall be made only to intermediate care facilities, hospitals and nursing homes licensed and approved under the laws of the State of North Carolina or under the laws of another state, or to pharmacies, physicians, dentists, optometrists or other providers of health-related services authorized by the Department. Payments may also be made to such fiscal intermediaries and to the capitation or prepaid health service contractors as may be authorized by the Department. Arrangements under which payments are made to capitation or prepaid health services contracts are not subject to the provisions of Chapter 58 of the General Statutes or of Article 3 of Chapter 143 of the General Statutes. However, the Department shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Department under this subsection a standard clause which provides that the State Auditor and internal auditors of the Department may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(p) G.S. 114-8.3 reads as rewritten:

"**§ 114-8.3. Attorney General to review certain contracts.**

(a) Except as provided in subsection (b) of this section, the Attorney General or the Attorney General's designee shall review all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to ensure that the proposed contracts are in proper legal form, contain all clauses required by law, are legally enforceable, and accomplish the intended purposes of the proposed contract. The term "review" as used in this section shall not constitute approval or disapproval of the policy merit or lack thereof of the proposed contract. For purposes of this subsection, the term "Attorney General's designee" shall include any attorney approved by the Attorney General to review contracts as provided in this subsection. The Attorney General shall require that any attorney designated under this subsection comply with any rules established by the Attorney General or the Department of Administration regarding the review of contracts.

(b) For the constituent institutions of The University of North Carolina, the General Counsel of each institution or the General Counsel's designee shall review all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to ensure that the proposed contracts are in proper legal form, contain all clauses required by law, are legally enforceable, and accomplish the intended purposes of the proposed contract. The term "review" as used in this section shall not constitute approval or disapproval of the policy merit or lack thereof of the proposed contract. For purposes of this subsection, the term "General Counsel's designee" shall include any attorney approved by the General Counsel to review contracts as provided in this subsection. The General Counsel shall require that any attorney designated under this subsection comply with any rules established by the Attorney General or the Department of Administration regarding the review of contracts."

SECTION 15.(q) G.S. 115D-67.4 reads as rewritten:

"**§ 115D-67.4. Fees collected by the Center; purchases using Center funds.**

Notwithstanding any other provision of law, all fees collected by the Applied Textile Technology Center for services to the textile industry, except for regular curriculum and continuing education tuition receipts, shall be retained by the Center and used for the operations of the Center. Purchases made by the Center using these funds are not subject to the provisions of Article 3 of Chapter 143 of the General Statutes. However, the Center shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Center under this section a standard clause which provides that the State Auditor and internal auditors of the Center may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Center shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(r) G.S. 135-43(b) reads as rewritten:

"(b) Notwithstanding the provisions of this Article, the Executive Administrator and Board of Trustees of the State Health Plan for Teachers and State Employees may contract with providers of institutional and professional medical care and services to establish preferred provider networks.

The terms of a contract between the Plan and its third party administrator or between the Plan and its pharmacy benefit manager are a public record except that the terms in those contracts that contain trade secrets or proprietary or competitive information are not a public record under Chapter 132 of the General Statutes, and any such proprietary or competitive information and trade secrets contained in the contract shall be redacted by the Plan prior to making it available to the public. This subsection shall not be construed to prevent or restrict the release of any information made not a public record under this subsection to the State Auditor, the Attorney General, the Director of the State Budget, the Plan's Executive

Administrator, and the Committee on Employee Hospital and Medical Benefits solely and exclusively for their use in the furtherance of their duties and responsibilities, and to the Department of Health and Human Services solely for the purpose of implementing the transition of NC Health Choice from the Plan to the Department of Health and Human Services. The design, adoption, and implementation of the preferred provider contracts, networks, and optional alternative comprehensive health benefit plans, and programs available under the optional alternative plans, as authorized under G.S. 135-45 are not subject to the requirements of Article 3 of Chapter 143 of the General Statutes. However, the Executive Administrator and Board of Trustees shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Executive Administrator and Board of Trustees under this section a standard clause which provides that the State Auditor and internal auditors of the Plan may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Executive Administrator and Board of Trustees shall not award a cost plus percentage of cost agreement or contract for any purpose. The Executive Administrator and Board of Trustees shall make reports as requested to the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Committee on Employee Hospital and Medical Benefits."

SECTION 15.(s) G.S. 135-45(d1) reads as rewritten:

"(d1) The Executive Administrator and Board of Trustees shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by subsection (d) of this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Executive Administrator and Board of Trustees under this section a standard clause which provides that the State Auditor and internal auditors of the Plan may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Executive Administrator and Board of Trustees shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(t) G.S. 136-28.1(h) reads as rewritten:

"(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. However, the Department of Transportation shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Department of Transportation under this subsection a standard clause which provides that the State Auditor and internal auditors of the Department of Transportation may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department of Transportation shall not award a cost plus percentage of cost agreement or contract for any purpose. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so."

SECTION 15.(u) G.S. 136-89.194(g)(1) reads as rewritten:

"(1) Article 3 of Chapter 143 of the General Statutes. The Authority may use the services of the Department of Administration in procuring goods and services that are not specific to establishing and operating a toll revenue

system. However, the Authority shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and, (ii) include in all proposed contracts to be awarded by the Authority under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Authority may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Authority shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(v) G.S. 143-48.1(c) is rewritten to read:

"(c) The Department of Health and Human Services shall: (i) submit all proposed ~~statewide and agency term~~ contracts for a capitation arrangement or prepaid health services, as defined by this section, that exceed one million dollars ($1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Department under this section a standard clause which provides that the State Auditor and internal auditors of the Department may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(w) G.S. 143-49 reads as rewritten:

"**§ 143-49. Powers and duties of Secretary.**

...

(9) To include a standard clause in all contracts awarded by the State and departments, agencies, and institutions of the State, providing that the State Auditor and internal auditors of the affected department, agency, or institution may audit the records of the contactor during and after the term of the contract to verify accounts and data affecting fees or performance.

...

(12) To consult with the Attorney General or the Attorney General's designee in developing rules, regulations, and procedures providing for the orderly and efficient submission of proposed ~~statewide term, agency term, and non-term~~ contracts to the Attorney General for review as provided in G.S. 114-8.3 and G.S. 143-52.2."

SECTION 15.(x) G.S. 143-52.2 reads as rewritten:

"**§ 143-52.2. Certain contracts subject to review by Attorney General.**

The Secretary of Administration and every department, agency, and institution of the State shall submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3(a). This section shall not apply to the constituent institutions of The University of North Carolina."

SECTION 15.(y) G.S. 143-134(b) reads as rewritten:

"(b) Notwithstanding the provisions of subsection (a) of this section, the Department of Transportation and the Department of Correction shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Department of Transportation or the Department of Correction a standard clause which provides that the State Auditor and internal auditors of the Department of Transportation or the Department of Correction may audit the records of the contractor during and after the term of

the contract to verify accounts and data affecting fees and performance. Neither the Department of Transportation nor the Department of Correction shall award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(z) G.S. 143-151.16(d) reads as rewritten:

"(d) The Board may contract with persons for the development and administration of the examinations required by G.S. 143-151.13(a), for course development related to the examinations, for review of a particular applicant's examination, and for other related services. The person with whom the Board contracts may charge applicants a reasonable fee for the costs associated with the development and administration of the examinations, for course development related to the examinations, for review of the applicant's examinations, and for other related services. The fee shall be agreed to by the Board and the other contracting party. The amount of the fee under this subsection shall not exceed one hundred seventy-five dollars ($175.00). Contracts for the development and administration of the examinations, for course development related to the examinations, and for review of examinations shall not be subject to Article 3, 3C, or 8 of Chapter 143 of the General Statutes or to Article 3D of Chapter 147 of the General Statutes. However, the Board shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(aa) G.S. 143B-131.2(b)(15) reads as rewritten:

"(15) To procure supplies, services, and property as appropriate and to enter into contracts, leases, or other legal agreements to carry out the purposes of this Part and duties of the Commission. The provisions of G.S. 143-129 and Article 3 of Chapter 143 of the General Statutes do not apply to purchases by the Roanoke Island Commission of equipment, supplies, and services. However, the Commission shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Commission under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Commission may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commission shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 16.(a) G.S. 115D-87, as amended by Section 1 of S.L. 2011-21, reads as rewritten:

"**§ 115D-87. Definitions.**

The following definitions apply in this Article:

(2) Person. – Any individual, association, partnership or corporation, and includes any director, receiver, referee, trustee, executor, or administrator as well as a natural person.

(5) Proprietary school. – An educational institution having a physical presence within North Carolina that meets all of the following conditions:

a. It is privately owned by a sole proprietorship, partnership, limited liability company, or corporation.
b. It is established as a business entity or as a nonprofit charitable organization.
c. It offers instruction to individuals who (i) have completed their elementary and secondary education or (ii) are beyond the age of compulsory secondary school attendance and have demonstrated an ability to benefit from that instruction for the attainment of educational objectives, vocational objectives, or both.
d. It charges tuition or receives any consideration from a student for any portion of the instruction in any form, including written or audiovisual material.
e. It educates, trains, or claims or offers to educate or train students in a program leading toward (i) examinations for licensing in a profession or vocation, (ii) employment at a beginning or advanced level, or (iii) a postsecondary educational credential below the associate degree level.

The term includes a branch or extension of a private postsecondary educational institution of another state that is located in this State or that offers educational services or education at a physical location within this State. Delivery systems employed may include, but are not limited to, (i) correspondence, (ii) classrooms, (iii) hotels or other temporary dwelling units or areas, or (iv) electronic communications such as those used in distance education. Distance education is education, training courses, or programs delivered to a student who is geographically separate from the instructor. It does not include institutions licensed by G.S. 116-15.

If a school has physical locations and offers classes in more than one county, the school's operation in each county shall constitute a separate proprietary school, as defined in this section."

SECTION 16.(b) This section becomes effective July 1, 2011.

SECTION 17. G.S. 131E-34 is repealed.

SECTION 18. (a) G.S. 143-53.1 reads as rewritten:

"**§ 143-53.1. Setting of benchmarks; increase by Secretary.**

(a) On and after July 1, 1997, the procedures prescribed by G.S. 143-52 with respect to competitive bids and the bid value benchmark authorized by G.S. 143-53(a)(2) with respect to rule making by the Secretary of Administration for competitive bidding shall be no more than twenty-five thousand dollars ($25,000); provided, the Secretary of Administration may, in his or her discretion, increase the benchmarks effective as of the beginning of any fiscal biennium of the State commencing after June 30, 1999, in an amount whose increase, expressed as a percentage, does not exceed the rise in the Consumer Price Index during the fiscal biennium next preceding the effective date of the benchmark increase. For a special responsibility constituent institution of The University of North Carolina, the benchmark prescribed in this section shall be as provided in G.S. 116-31.10. For community colleges, the benchmark prescribed in this section shall be as provided in G.S. 115D-58.14."

SECTION 18.(b) This section becomes effective July 1, 2012.

SECTION 19. G.S. 143B-138.1(a) reads as rewritten:

"**§ 143B-138.1. Department of Health and Human Services – functions and organization.**

(a) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Human Resources are transferred to and vested in the Department of Health and Human Services by a Type I transfer, as defined in G.S. 143A-6:

(1) Division of Aging.
(2) Division of Services for the Blind.
(3) Division of Medical Assistance.
(4) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.
(5) Division of Social Services.
(6) Division of Health Service Regulation.
(7) Division of Vocational Rehabilitation.
(8) Repealed by Session Laws 1998-202, s. 4(v), effective January 1, 1999.
(9) Division of Services for the Deaf and the Blind.
~~(10) Office of Economic Opportunity~~.
(11) Division of Child Development.
(12) Office of Rural Health."

SECTION 19.5. If House Bill 362, 2011 Regular Session, becomes law, Section 4.(a) as enacted by that act reads as rewritten:

"**SECTION 4.(a)** It is unlawful to hunt deer from any vessel in the Tar River from 4 Springfield Road to the Dunbar Bridge, whether the vessel is under power or not, except that a vessel may be used for transportation to and from otherwise lawful hunting stands upon land owned or leased by a person or upon which a person has written permission to hunt."

SECTION 20. If House Bill 442, 2011 Regular Session, becomes law, Section 3 as enacted by that act reads as rewritten:

"**SECTION 3.** This act is effective when it becomes law. Section 1 of this act shall expire ~~July 1, 2013.~~July 1, 2018."

SECTION 21. If House Bill 650, 2011 Regular Session, becomes law, G.S. 14-415.27, as enacted by that act, reads as rewritten:

"**§ 14-415.27. Expanded permit scope for district attorneys, assistant district attorneys, and investigators employed by office of the district attorney.**

Notwithstanding G.S. 14-415.11(c), any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24 is not subject to the ~~restrictions and~~area prohibitions set out in G.S. 14-415.11(c) and may carry a concealed handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law."

SECTION 22.(a) If House Bill 806, 2011 Regular Session, becomes law, G.S. 153A-348(c) as enacted by that act reads as rewritten:

"(c) Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party in an action involving the enforcement of a zoning or unified development ordinance from raising as a defense to such enforcement action the invalidity of the ordinance. Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party who files a timely appeal from an order, requirement, decision, or determination made by an administrative official contending that such party is in violation of a zoning or unified development ordinance from raising in the appeal the invalidity of such ordinance as a defense to such order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of the ordinance on the basis of an alleged ~~deft~~ defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance."

SECTION 22.(b) If House Bill 806, 2011 Regular Session, becomes law, G.S. 160A-364.1(c) as enacted by that act reads as rewritten:

"(c) Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party in an action involving the enforcement of a zoning or unified development ordinance from raising as a defense to such enforcement action the invalidity of the ordinance. Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party who files a timely appeal from an order,

requirement, decision, or determination made by an administrative official contending that such party is in violation of a zoning or unified development ordinance from raising in the appeal the invalidity of such ordinance as a defense to such order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of the ordinance on the basis of an alleged ~~deft~~ defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance."

SECTION 23. If Senate Bill 781, 2011 Regular Session, becomes law, then Section 46 of that act, is rewritten to read:

"**SECTION 46.** G.S. 131E-188 reads as rewritten:

"**§ 131E-188. Administrative and judicial review.**

(a) After a decision of the Department to issue, deny or withdraw a certificate of need or exemption or to issue a certificate of need pursuant to a settlement agreement with an applicant to the extent permitted by law, any affected person, as defined in subsection (c) of this section, shall be entitled to a contested case hearing under Article 3 of Chapter 150B of the General Statutes. A petition for a contested case shall be filed within 30 days after the Department makes its decision. When a petition is filed, the Department shall send notification of the petition to the proponent of each application that was reviewed with the application for a certificate of need that is the subject of the petition. Any affected person shall be entitled to intervene in a contested case.

A contested case shall be conducted in accordance with the following timetable:

(1) An administrative law judge or a hearing officer, as appropriate, shall be assigned within 15 days after a petition is filed.

(2) The parties shall complete discovery within 90 days after the assignment of the administrative law judge or hearing officer.

(3) The hearing at which sworn testimony is taken and evidence is presented shall be held within 45 days after the end of the discovery period.

(4) The administrative law judge or hearing officer shall make ~~his recommended~~ a final decision within 75 days after the hearing.

~~(5) The Department shall make its final decision within 30 days of receiving the official record of the case from the Office of Administrative Hearings.~~

The administrative law judge or hearing officer assigned to a case may extend the deadlines in subdivisions (2) through (4) so long as the administrative law judge or hearing officer makes ~~his recommended~~ a final decision in the case within 270 days after the petition is filed. ~~The Department may extend the deadline in subdivision (5) for up to 30 days by giving all parties written notice of the extension.~~

...

(b) Any affected person who was a party in a contested case hearing shall be entitled to judicial review of all or any portion of any final decision ~~of the Department~~ in the following manner. The appeal shall be to the Court of Appeals as provided in G.S. 7A-29(a). The procedure for the appeal shall be as provided by the rules of appellate procedure. The appeal of the final decision ~~of the Department~~ shall be taken within 30 days of the receipt of the written notice of final decision, and notice of appeal shall be filed with the ~~Division of Health Service Regulation, Department of Health and Human Services~~ Office of Administrative Hearings and served on the Department and all other affected persons who were parties to the contested hearing.

(b1) Before filing an appeal of a final decision ~~by the Department~~ granting a certificate of need, the affected person shall deposit a bond with the Clerk of the Court of Appeals. The bond requirements of this subsection shall not apply to any appeal filed by the Department.

(1) The bond shall be secured by cash or its equivalent in an amount equal to five percent (5%) of the cost of the proposed new institutional health service that is the subject of the appeal, but may not be less than five thousand

dollars ($5,000) and may not exceed fifty thousand dollars ($50,000); provided that the applicant who received approval of the certificate of need may petition the Court of Appeals for a higher bond amount for the payment of such costs and damages as may be awarded pursuant to subdivision (2) of this subsection. This amount shall be determined by the Court in its discretion, not to exceed three hundred thousand dollars ($300,000). A holder of a certificate of need who is appealing only a condition in the certificate is not required to file a bond under this subsection.

(2) If the Court of Appeals finds that the appeal was frivolous or filed to delay the applicant, the court shall remand the case to the superior court of the county where a bond was filed for the contested case hearing on the certificate of need. The superior court may award the holder of the certificate of need part or all of the bond. The court shall award the holder of the certificate of need reasonable attorney fees and costs incurred in the appeal to the Court of Appeals. If the Court of Appeals does not find that the appeal was frivolous or filed to delay the applicant and does not remand the case to superior court for a possible award of all or part of the bond to the holder of the certificate of need, the person originally filing the bond shall be entitled to a return of the bond.

...."

SECTION 24. Section 13 of S.L. 2009-521 reads as rewritten:

"**SECTION 13.** Any natural hair care specialist who submits proof to the Board that the natural hair care specialist is actively engaged in the practice of a natural hair care specialist on the effective date of this act, passes an examination conducted by the Board and pays the required fee under G.S. 88B-20 shall be licensed without having to satisfy the requirements of G.S. 88B-10.1, enacted by Section 2 of this act. A cosmetic art shop that practices natural hair care only and that submits proof to the Board that the shop is actively engaged in the practice of natural hair care on the effective date of this act shall have ~~one year~~ two years from the date of this act to comply with the requirements of G.S. 88B-14. All persons who do not make application to the Board within ~~one year~~ two years of the effective date of this act shall be required to complete all training and examination requirements prescribed by the Board and to otherwise comply with the provisions of Chapter 88B of the General Statutes."

SECTION 25.(a) Section 1.37 of S.L. 2010-87 reads as rewritten:

"**SECTION 1.37.** Effective January 1, 2011, John Wayne Kahl of Iredell County is appointed to the State Judicial Council for a term expiring on December 31, ~~2013.~~2014."

SECTION 25.(b) Section 1.43 of S.L. 2010-87 reads as rewritten:

"**SECTION 1.43.** John Howard Boyette, Jr., of Wilson County and Paul Weller of ~~Durham County~~ Orange County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2013."

SECTION 26. The prefatory language of S.L. 2010-168, Section 5, is rewritten to read:

"**SECTION 5.** ~~G.S. 53-244.010(b)~~ G.S. 53-244.101(b) reads as rewritten:".

SECTION 27. Section 2.5(d) of S.L. 2011-85 reads as rewritten:

"**SECTION 2.5.(d)** Subdivision (26) of G.S. 135-44.4 [member education] is recodified as G.S. 135-48.56, to be entitled "Education of covered active and retired employees.", under ~~Part 2~~ Part 5 of Article 3B of Chapter 135 of the General Statutes, as created by Section 2.3 of this act."

SECTION 28. The prefatory language for Section 2 of S.L. 2011-35 reads as rewritten:

"**SECTION 2.** ~~Chapter 20 of the General Statutes~~ G.S. 20-7 is amended by adding a new subsection to read:"

SECTION 29. Unless otherwise provided by this act, this act becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 148*
PROPOSED HOUSE COMMITTEE SUBSTITUTE S148-PCS35292-TE-5

Short Title: GSC Tech Corrections/Other Changes. (Public)

Sponsors:

Referred to:

March 1, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE OTHER TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

PART I. TECHNICAL CHANGES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION

SECTION 1. G.S. 1C-1603(a) reads as rewritten:

"**§ 1C-1603. Procedure for setting aside exempt property.**

(a) Motion or Petition; Notice. –

(1) A judgment debtor may have his exempt property designated by motion after judgment has been entered against him.

(2) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1224, s. 10.

(3) The clerk or district court judge may determine that particular property is not exempt even though there has been no proceeding to designate the exemption.

(4) After judgment, except as provided in G.S. 1C-1603(a)(3) or when exemptions have already been designated, the clerk may not issue an execution or writ of possession unless notice from the court has been served upon the judgment debtor advising the debtor of the debtor's rights. The judgment creditor shall cause the notice, which shall be accompanied by the form for the statement by the debtor under subsection (c) of this section, to be served on the debtor as provided in G.S. 1A-1, Rule 4(j)(1). If the judgment debtor cannot be served as provided above, the judgment creditor may serve the judgment debtor by mailing a copy of the notice to the judgment debtor at the debtor's last known address. Proof of service by certified or registered mail or personal service is as provided in G.S. 1A-1, Rule 4. The judgment creditor may prove service by mailing to last known address by filing a certificate that the notice was served indicating the circumstances warranting the use of such service and the date and address of service. The notice shall be substantially in the following form:

...

8. That I wish to claim my interest in the following real or personal property, or in a cooperative that owns property, that I use as a residence or my dependent uses as a residence. I also wish to claim my interest in the following burial plots for myself or my dependents. I understand that my total interest claimed in the residence and burial plots may not exceed ~~$18,500,~~ $35,000, except that if I am unmarried and am 65 years of age or older, I am entitled to claim a total exemption in the residence and burial plots not to exceed ~~$37,000~~ $60,000 so long as the property was previously owned by me as a tenant by the entireties or as a joint tenant with rights of survivorship, and the former co-owner of the property is deceased.

I understand that I am not entitled to this exemption if I take the homestead exemption provided by the Constitution of North Carolina in other property. I understand that if I wish to claim more than one parcel exempt I must attach additional pages setting forth the following information for each parcel claimed exempt.

Property Location:

County _____ Township _____

Street Address _____

Legal Description:

Number by which county tax assessor identifies property _____

Description (Attach a copy of your deed or other instrument of conveyance that describes the property and indicate here: _____ or describe the property in as much detail as possible.

Attach additional sheets if necessary.)

_____

_____

_____

Record Owner(s) _____

_____

_____

Estimated Value: _____

Lienholders:

(1) Name _____ Current Balance _____

Address _____

(2) Name _____ Current Balance _____

Address _____

(3) Name _____ Current Balance _____

Address _____

(4) If others, attach additional pages.

If you are unmarried and 65 years of age or older, specify which, if any, property listed above was previously owned by you as a tenant by the entireties or as a joint tenant with rights of survivorship and as to which the former co-owner of the property is deceased:

...

15. That I wish to claim the following property as exempt because I claimed residential real or personal property as exempt that is worth less than ~~$18,500~~ $35,000 or I made no claim for a residential exemption under section (8) above. I understand that I am entitled to an exemption of up to $5,000 in any property only if I made no claim under section (8) above or a claim that was less than ~~$18,500~~ $35,000 under section (8) above. I understand that I am entitled to claim any unused amount that I was permitted to make under section (8) above up to a maximum of $5,000 in any property. (Examples: (a) if you claim ~~$17,500~~ $34,000 under section (8), $1,000 allowed here; (b) if you claim ~~$13,500~~ $30,000 under section (8), $5,000 allowed here; (c) if you claim ~~$18,500~~ $35,000 under section (8), no claim allowed here.) I further understand that the amount of my claim under this section is after the deduction from the value of this property of the amount of any valid lien or purchase money security interests and that tangible personal property purchased within 90 days of this proceeding may not be exempt.

..."

SECTION 2. G.S. 7A-304(a)(3a) reads as rewritten:

"(3a) For the supplemental pension benefits of sheriffs, the sum of one dollar twenty-five cents ($1.25) to be remitted to the Department of Justice and administered under the provisions of ~~Article 12G~~ Article 12H of Chapter 143 of the General Statutes."

SECTION 3. G.S. 15B-11(b1) reads as rewritten:

"(b1) The Commission or Director, whichever has the authority to decide a claim under G.S. 15B-10, shall ~~use the Commission's/Director's~~ exercise discretion in determining whether to deny a claim under subsection (b) of this section. In exercising ~~its~~ discretion, the Commission or Director shall consider whether any proximate cause exists between the injury and the misdemeanor or contributory misconduct, when applicable. The Director or Commission shall deny claims ~~when it finds~~ upon a finding that there was contributory misconduct that is a proximate cause of becoming a victim. However, contributory misconduct that is not a proximate cause of becoming a victim shall not lead to an automatic denial of a claim."

SECTION 4. G.S. 19A-62(b) reads as rewritten:

"(b) Use. – The revenue in the Account shall be used by the Department of Agriculture and Consumer Services as follows:

(1) Repealed by Session Laws 2010-31, s. 11.4(c), effective October 1, 2010.

(2) Up to twenty percent (20%) may be used to develop and implement the statewide education program component of the Spay/Neuter Program established in ~~G.S. 19A-61(a).~~G.S. 19A-61(1).

(3) Up to twenty percent (20%) of the money in the Account may be used to defray the costs of administering the Spay/Neuter Program established in this Article.

(4) Funds remaining after deductions for the education program and administrative expenses shall be distributed quarterly to eligible counties and cities seeking reimbursement for reduced-cost spay/neuter surgeries performed during the previous calendar year. A county or city is ineligible to receive funds under this subdivision unless it requires the owner to show proof of rabies vaccination at the time of the procedure or, if none, require vaccination at the time of the procedure."

SECTION 5.(a) G.S. 28A-13-6 reads as rewritten:

"**§ 28A-13-6. Exercise of powers of joint personal representatives by one or more than one.**

(a) Repealed by Session Laws 2005-192, s. 5, effective January 1, 2006.

(b) If a will expressly makes provision for the execution of any of the powers of personal representatives by all of them or by any one or more of them, the provisions of the will govern.

(c) Repealed by Session Laws 2005-192, s. 5, effective January 1, 2006.

(c1) If there is no governing provision in the will, personal representatives may, by written agreement signed by all of them and filed with and approved by the clerk of superior court of the county in which the personal representatives qualified, provide that any designated one or more of the personal representatives may exercise one or more of the following powers:

(1) Establish and maintain bank accounts for the ~~trust~~ estate and issue checks for the estate.

(2) Maintain inventories, accountings, and income and expense records of the estate.

(3) Enter any safety deposit box rented by the estate.

(4) Employ persons as advisors or assistants in the performance of administrative duties, including agents, attorneys, accountants, brokers, appraisers, and custodians.
(5) List estate property for taxes and prepare and file tax returns for the ~~trust.~~estate.
(6) Collect and give receipts for claims and debts of the estate.
(7) Pay debts, claims, costs of administration, and taxes of the estate.
(8) Compromise, adjust, or otherwise settle any claim by or against the ~~trust~~ estate and release, in whole or in part, a claim belonging to the estate.
(9) Have custody of the estate property.
(10) Perform any function relating to investment of estate assets.

(d) Subject to subsection (b) of this section, if two or more personal representatives own shares of corporate stock or other securities, their acts with respect to voting shall have the following effect:
(1) If only one votes, in person or by proxy, that personal representative's act binds all;
(2) If more than one vote, in person or by proxy, the act of the majority so voting binds all;
(3) If more that one vote, in person or by proxy, but the vote is evenly split on any particular matter, each faction is entitled to vote the stock or other securities in question proportionately.

(e) Subject to subsections (b), (c1), and (d) of this section, all other acts and duties must be performed by both of the personal representatives if there are two, and by a majority of them if there are more than two. No personal representative who has not joined in exercising a power shall be liable for the consequences of such exercise, nor shall a dissenting personal representative be liable for the consequences of an act in which the personal representative joins at the direction of the majority of the personal representatives, if that personal representative expressed his or her dissent in writing to any other personal representative at or before the time of such joinder.

(f) No personal representative shall be relieved of liability on his or her bond or otherwise by entering into any agreement under this section."

SECTION 5.(b) If Senate Bill 432, 2011 Regular Session, becomes law, this section is repealed on the effective date of that act.

SECTION 6. G.S. 28A-15-9.1 and G.S. 28A-21-3.1 are repealed.

SECTION 7. G.S. 58-70-155(b) reads as rewritten:

"(b) The only evidence sufficient to establish the amount and nature of the debt shall be properly authenticated business records that satisfy the requirements of ~~Rule 803(b)~~ Rule 803(6) of the North Carolina Rules of Evidence. The authenticated business records shall include at least all of the following items:
(1) The original account number.
(2) The original creditor.
(3) The amount of the original debt.
(4) An itemization of charges and fees claimed to be owed.
(5) The original charge-off balance, or, if the balance has not been charged off, an explanation of how the balance was calculated.
(6) An itemization of post charge-off additions, where applicable.
(7) The date of last payment.
(8) The amount of interest claimed and the basis for the interest charged."

SECTION 8. G.S. 143-318.10(a) reads as rewritten:

"**§ 143-318.10. All official meetings of public bodies open to the public.**

(a) Except as provided in G.S. 143-318.11, 143-318.14A, ~~143-318.15,~~ and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting."

SECTION 9. G.S. 153A-320 reads as rewritten:.

"**§ 153A-320. Territorial jurisdiction.**

Each of the powers granted to counties by this ~~Article, by Chapter 157A, and by Chapter 160A, Article 19~~ Article and by Article 19 of Chapter 160A may be exercised throughout the county except as otherwise provided in G.S. 160A-360."

SECTION 10. G.S. 160A-288.2(d) reads as rewritten:

"(d) For the purposes of this section, the following shall be considered the equivalent of a municipal police department:

(1) Campus law-enforcement agencies established pursuant to ~~G.S. 116-40.5(a), and~~ G.S. 116-40.5(a).

(2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E or Chapter 74G of the General Statutes.

(3) Butner Public Safety.

SECTION 11. Unless otherwise provided, Part I of this act is effective when it becomes law.

PART II. OTHER CHANGES

SECTION 12.(a) G.S. 7B-602(a) reads as rewritten:

"(a) In cases where the juvenile petition alleges that a juvenile is abused, neglected, or dependent, the parent has the right to counsel and to appointed counsel in cases of indigency unless that person waives the right. When a petition is filed alleging that a juvenile is abused, neglected, or dependent, the clerk shall appoint provisional counsel for each parent named in the petition in accordance with rules adopted by the Office of Indigent Defense Services and shall indicate the appointment on the juvenile summons or attached notice. At the first hearing, the court shall dismiss the provisional counsel if the respondent parent:

(1) Does not appear at the hearing;

(2) Does not qualify for court-appointed counsel;

(3) Has retained counsel; or

(4) Waives the right to counsel.

The court shall confirm the appointment of counsel if subdivisions (1) through (4) of this subsection are not applicable to the respondent parent.

The court may reconsider a parent's eligibility and desire for appointed counsel at any stage of the proceeding."

SECTION 12.(b) G.S. 7B-1110.1(a) reads as rewritten:

"(a) The parent has the right to counsel, and to appointed counsel in cases of indigency, unless the parent waives the right. The fees of appointed counsel shall be borne by the Office of Indigent Defense Services. When a petition is filed, unless the parent is already represented by counsel, the clerk shall appoint provisional counsel for each respondent parent named in the petition in accordance with rules adopted by the Office of Indigent Defense Services and shall indicate the appointment on the juvenile summons. At the first hearing after service upon the respondent parent, the court shall dismiss the provisional counsel if the respondent parent:

(1) Does not appear at the hearing;

(2) Does not qualify for court-appointed counsel;

(3) Has retained counsel; or

(4) Waives the right to counsel.

The court shall confirm the appointment of counsel if subdivisions (1) through (4) of this subsection are not applicable to the respondent parent. The court may reconsider a parent's eligibility and desire for appointed counsel at any stage of the proceeding."

SECTION 12.(c) G.S. 15A-1345(e) reads as rewritten:

"(e) Revocation Hearing. – Before revoking or extending probation, the court must, unless the probationer waives the hearing, hold a hearing to determine whether to revoke or extend probation and must make findings to support the decision and a summary record of the proceedings. The State must give the probationer notice of the hearing and its purpose, including a statement of the violations alleged. The notice, unless waived by the probationer, must be given at least 24 hours before the hearing. At the hearing, evidence against the probationer must be disclosed to him, and the probationer may appear and speak in his own behalf, may present relevant information, and may confront and cross-examine adverse witnesses unless the court finds good cause for not allowing confrontation. The probationer is entitled to be represented by counsel at the hearing and, if indigent, to have counsel ~~appointed.~~ appointed in accordance with rules adopted by the Office of Indigent Defense Services. Formal rules of evidence do not apply at the hearing, but the record or recollection of evidence or testimony introduced at the preliminary hearing on probation violation are inadmissible as evidence at the revocation hearing. When the violation alleged is the nonpayment of fine or costs, the issues and procedures at the hearing include those specified in G.S. 15A-1364 for response to nonpayment of fine."

SECTION 12.(d) G.S. 15A-269(c) reads as rewritten:

"(c) ~~The~~ In accordance with rules adopted by the Office of Indigent Defense Services, the court shall appoint counsel for the person who brings a motion under this section if that person is indigent. If the petitioner has filed pro se, the court shall appoint counsel for the petitioner in accordance with rules adopted by the Office of Indigent Defense Services upon a showing that the DNA testing may be material to the petitioner's claim of wrongful conviction."

SECTION 12.(e) G.S. 15A-270.1 reads as rewritten:

"**§ 15A-270.1. Right to appeal denial of defendant's motion for DNA testing.**

The defendant may appeal an order denying the defendant's motion for DNA testing under this Article, including by an interlocutory appeal. The court shall appoint counsel in accordance with rules adopted by the Office of Indigent Defense Services upon a finding of indigency."

SECTION 13.(a) G.S. 8-34(b) reads as rewritten:

"(b) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(b) G.S. 8-45.1(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(c) G.S. 8-45.3(b) reads as rewritten:

"(b) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for

preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(d) G.S. 153A-436(f) reads as rewritten:

"(f) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(e) G.S. 160A-490(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 14.(a) G.S. 90-89(3) is amended by adding the following sub-subdivisions:

"dd. Alpha-Methyltryptamine.

ee. 5-Methoxy-n-diisopropyltryptamine."

SECTION 14.(b) G.S. 90-89(5) is amended by adding the following sub-subdivisions:

"h. N-Benzylpiperazine.

i. 2,5 – Dimethoxy-4-(n)-propylthiophenethylamine."

SECTION 14.(c) G.S. 90-90(3) is amended by adding a new sub-subdivision to read:

"f. Lisdexamfetamine, including its salts, isomers, and salts of isomers."

SECTION 14.(d) G.S. 90-90(2) is amended by adding a new sub-subdivision to read:

"aa. Tapentatol."

SECTION 14.(e) G.S. 90-91(k)5. reads as rewritten:

"5. Nandrolone ~~deconoate,~~decanoate,".

SECTION 15.(a) G.S. 18C-150 reads as rewritten:

"**§ 18C-150. Procurements.**

The Commission shall be exempt from Article 3 of Chapter 143 of the General Statutes but may use the services of the Department of Administration in procuring goods and services for the Commission. However, the Commission shall include in all contracts to be awarded by the Commission under this section a standard clause which provides that the State Auditor and internal auditors of the Commission may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commission shall not award a cost plus percentage of cost contract for any purpose. For purposes of this provision, "cost plus percentage of cost contract" is defined as a contract under which the contractor receives payment for indeterminate costs plus a stated percentage or amount of profit based upon such costs. This provision shall not apply to Commission contracts that require costs to be predetermined and approved by the Commission and a total not to exceed the amount specified in each contract to be paid to the contractor."

SECTION 15.(b) G.S. 53-320(d) reads as rewritten:

"(d) The Commissioner may enter into agreements with any bank supervisory agency supervising (i) a State trust institution engaging in trust business outside this State or (ii) an out-of-state trust institution maintaining a trust office or representative trust office in this State to engage the services of the agency's examiners at a reasonable rate of compensation or to provide the services of the Commissioner's examiners to the agency at a reasonable rate of compensation. Article 3 of Chapter 143 of the General Statutes does not apply to agreements authorized by this subsection. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(c) G.S. 53-326(d) reads as rewritten:

"(d) The Commissioner may enter into agreements with bank supervisory agencies supervising (i) a State trust institution engaging in trust business in a foreign country or (ii) a foreign trust institution maintaining a trust office or representative trust office in this State to engage the services of the bank supervisory agency's examiners at a reasonable rate of compensation or to provide the services of the Commissioner's examiners to the bank supervisory agency at a reasonable rate of compensation. Article 3 of Chapter 143 of the General Statutes does not apply to agreements authorized by this section. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(d) G.S. 53-391 reads as rewritten:

"**§ 53-391. Employment of counsel, accountants, and other experts; compensation.**

The Commissioner, for the purpose of exercising any power under the provisions of this Subpart, may (i) employ any liquidating agents, attorneys, accountants, consultants, and clerks necessary to properly conduct the business of or liquidate and distribute the assets of a State trust company; (ii) fix the compensation for the agents, attorneys, accountants, consultants, and clerks; and (iii) pay the compensation of those persons out of the assets of the State trust company. Provided, that all expenditures described in this section shall be approved by the resident or presiding judge in the county in which the action is pending. Payments made by the Commissioner pursuant to this section shall not be subject to the requirements of Article 3 of Chapter 143 of the General Statutes. As used in this Subpart, the term "Commissioner" includes the Commissioner's duly appointed agents. The Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this section a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after

the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(e) G.S. 53-401 reads as rewritten:

"**§ 53-401. Provisions for conservator; duties and powers.**

Whenever the Commissioner deems it necessary in order to conserve the assets of a State trust company for the benefit of clients or creditors, the Commissioner may appoint a conservator for the State trust company and require of the conservator a bond with any surety the Commissioner deems necessary and proper in an amount deemed sufficient by the Commissioner. The conservator, under the direction of the Commissioner, shall take possession of the fiduciary records and other books, records, and assets of every description of the State trust company placed under conservatorship and take actions necessary to conserve those assets pending further disposition of its business as provided by law. Except as provided in G.S. 53-405, the conservator shall have all rights, powers, and privileges, subject to the approval of the Commissioner, now possessed by or given to the Commissioner under the provisions of Subpart B and Subpart D of this Part. All expenses of the conservator shall be paid out of the assets of the State trust company under conservatorship and shall be a lien thereon which shall be prior to any other lien provided by law. The compensation of the conservator shall be determined by the Commissioner and shall be based on the time and experience of the conservator and the complexity of the conservatorship. Compensation of the conservator shall not be subject to the requirements of Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this section a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the conservator during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(f) G.S. 58-2-69(g) reads as rewritten:

"(g) The Commissioner may contract with the NAIC or other persons for the provision of online services to licensees, for the provision of administrative services to licensees, or for the provision of regulatory data systems to the Commissioner. The NAIC or other person with whom the Commissioner contracts may charge licensees a reasonable fee for the costs associated with the licensees' use of online services and administrative services. The fee shall be agreed to by the Commissioner and the other contracting party and shall be stated in the contract. Contracts for the provision of online services, contracts for the provision of administrative services, and contracts for the provision of regulatory data systems shall not be subject to Article 3, 3C, or 8 of Chapter 143 of the General Statutes or to Article 3D of Chapter 147 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(g) G.S. 58-33-30(e) reads as rewritten:

"§ 58-33-30. License requirements.

...

(e) Examination.

...

(4) The answers of the applicant to the examination shall be provided by the applicant under the Commissioner's supervision. The Commissioner shall give examinations at such times and places within this State as the Commissioner considers necessary reasonably to serve the convenience of both the Commissioner and applicants: Provided that the Commissioner may contract directly with persons for the processing of examination application forms and for the administration and grading of the examinations required by this section; the Commissioner may charge a reasonable fee in addition to the registration fee charged under G.S. 58-33-125, to offset the cost of the examination contract authorized by this subsection; and such contracts shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost contract for any purpose.

(5) The Commissioner shall collect in advance the examination and registration fees provided in G.S. 58-33-125 and in subsection (4) of this section. The Commissioner shall make or cause to be made available to all applicants, for a reasonable fee to offset the costs of production, materials that he considers necessary for the applicants' proper preparation for examinations. The Commissioner may contract directly with publishers and other suppliers for the production of the preparatory materials, and contracts so let by the Commissioner shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost contract for any purpose.

...."

SECTION 15.(h) G.S. 58-33-125(e) reads as rewritten:

"(e) A resident licensee may obtain a duplicate photo-bearing license at times and places within this State that the Commissioner considers necessary and reasonable to serve the convenience of both the Commissioner and the licensee. The Commissioner may contract directly with persons for processing of duplicate photo-bearing licenses, and the contract shall

not be subject to Article 3 of Chapter 143 of the General Statutes. The Commissioner may charge a reasonable fee for duplicating a photo-bearing license in an amount that offsets the costs to the Department of duplicating the license, including costs associated with any contract entered into pursuant to this subsection. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(i) G.S. 58-33-130(a) reads as rewritten:

"**§ 58-33-130. Continuing education program for licensees.**

(a) The Commissioner may adopt rules to provide for a program of continuing education requirements for the purpose of enhancing the professional competence and professional responsibility of adjusters and motor vehicle damage appraisers. The rules may include criteria for:

(1) The content of continuing education courses;
(2) Accreditation of continuing education sponsors and programs;
(3) Accreditation of videotape or other audiovisual programs;
(4) Computation of credit;
(5) Special cases and exemptions;
(6) General compliance procedures; and
(7) Sanctions for noncompliance.

The Commissioner may contract directly with persons for the administration of the program provided for by this section, and those contracts shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose. The Commissioner may charge a reasonable fee to course providers to offset the cost of the program, including costs associated with contracts authorized by this subsection. The fee authorized by this subsection shall be in addition to the fees specified in G.S. 58-33-133. As used in this section and in G.S. 58-33-132, "administrator" means any person with whom the Commissioner has contracted under this subsection."

SECTION 15.(j) G.S. 58-71-40(d) reads as rewritten:

"(d) When a license is issued under this section, the Commissioner shall issue a picture identification card, of design, size, and content approved by the Commissioner, to the licensee. Each licensee must carry this card at all times when working in the scope of the licensee's employment. A licensee whose license terminates or is terminated shall surrender the identification card to the Commissioner within 10 working days after the termination. The Commissioner may contract directly with persons for the processing and issuance of picture identification cards required by this section and may charge a reasonable fee in addition to the license fee charged under G.S. 58-71-55 in an amount that offsets the cost of the service, including the costs associated with the contract authorized by this subsection. Contracts entered

into pursuant to this subsection shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(k) G.S. 63A-24(1) reads as rewritten:

"(1) Article 3 of Chapter 143 of the General Statutes does not apply to contracts for services listed in 49 U.S.C. § 2210(a)(16) or contracts for special user projects. That Article also does not apply to other contracts for projects, but, with respect to these other contracts, the powers and duties established in that Article shall be exercised by the Authority and the Secretary of Administration, and other State officers, employees, or agencies shall have no duties or responsibilities concerning the contracts. However, the Authority shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Authority under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Authority may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Authority shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(l) G.S. 84-23(d) reads as rewritten:

"(d) The Council may acquire, hold, rent, encumber, alienate, lease, and otherwise deal with real or personal property in the same manner as any private person or corporation, subject only to the approval of the Governor and the Council of State as to the acquisition, rental, encumbering, leasing and sale of real property. The Council may borrow money upon its bonds, notes, debentures, or other evidences of indebtedness sold through public or private sale pursuant to a loan agreement or a trust agreement or indenture with a trustee, with such borrowing either unsecured or secured by a mortgage on the Council's interest in real or personal property, and engage and contract with attorneys, underwriters, financial advisors, and other parties as necessary for such borrowing, with such borrowing and security subject to the approval of the Governor and the Council of State. The Council may utilize the services of the Purchase and Contract Division of the Department of Administration to procure personal property, in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes. However, the Council shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Council under this subsection a standard clause which provides that the State Auditor and internal auditors of the Council may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Council shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(m) G.S. 89E-5(e) reads as rewritten:

"(e) The Board may authorize expenditures deemed necessary to carry out the provisions of this Chapter and all expenses shall be paid upon the warrant of the Board treasurer. The Board treasurer shall deposit funds received by the Board in one or more funds in banks or other financial institutions carrying deposit insurance and authorized to do business in North Carolina. Interest earned on such funds may remain in the funds account and may be expended as authorized by the Board to carry out the provisions of this Chapter. In no event may expenditures exceed the revenues of the Board during any fiscal year. The Board is authorized and empowered to utilize the services of the Purchase and Contract Division of the Department of Administration for the procurement of personal property, in accordance with Article 3 of Chapter 143 of the General Statutes. The Board shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(n) G.S. 89F-5(d) reads as rewritten:

"(d) The Board may employ the necessary personnel for the performance of its functions and shall fix their compensation within the limits of funds available to the Board. The Board may procure personal property in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes. The Board shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(o) G.S. 108A-55(b) reads as rewritten:

"(b) Payments shall be made only to intermediate care facilities, hospitals and nursing homes licensed and approved under the laws of the State of North Carolina or under the laws of another state, or to pharmacies, physicians, dentists, optometrists or other providers of health-related services authorized by the Department. Payments may also be made to such fiscal intermediaries and to the capitation or prepaid health service contractors as may be authorized by the Department. Arrangements under which payments are made to capitation or prepaid health services contracts are not subject to the provisions of Chapter 58 of the General Statutes or of Article 3 of Chapter 143 of the General Statutes. However, the Department shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Department under this subsection a standard clause which provides that the State Auditor and internal auditors of the Department may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(p) G.S. 114-8.3 reads as rewritten:

"**§ 114-8.3. Attorney General to review certain contracts.**

(a) Except as provided in subsection (b) of this section, the Attorney General or the Attorney General's designee shall review all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to ensure that the proposed contracts are in proper legal form, contain all clauses required by law, are legally enforceable, and accomplish the intended purposes of the proposed contract. The term "review" as used in this section shall not constitute approval or disapproval of the policy merit or lack thereof of the proposed contract. For purposes of this subsection, the term "Attorney General's designee" shall include any attorney approved by the Attorney General to review contracts as provided in this subsection. The Attorney General shall require that any attorney designated under this subsection comply with any rules established by the Attorney General or the Department of Administration regarding the review of contracts.

(b) For the constituent institutions of The University of North Carolina, the General Counsel of each institution or the General Counsel's designee shall review all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to ensure that the proposed contracts are in proper legal form, contain all clauses required by law, are legally enforceable, and accomplish the intended purposes of the proposed contract. The term "review" as used in this section shall not constitute approval or disapproval of the policy merit or lack thereof of the proposed contract. For purposes of this subsection, the term "General Counsel's designee" shall include any attorney approved by the General Counsel to review contracts as provided in this subsection. The General Counsel shall require that any attorney designated under this subsection comply with any rules established by the Attorney General or the Department of Administration regarding the review of contracts."

SECTION 15.(q) G.S. 115D-67.4 reads as rewritten:

"**§ 115D-67.4. Fees collected by the Center; purchases using Center funds.**

Notwithstanding any other provision of law, all fees collected by the Applied Textile Technology Center for services to the textile industry, except for regular curriculum and continuing education tuition receipts, shall be retained by the Center and used for the operations of the Center. Purchases made by the Center using these funds are not subject to the provisions of Article 3 of Chapter 143 of the General Statutes. However, the Center shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Center under this section a standard clause which provides that the State Auditor and internal auditors of the Center may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Center shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(r) G.S. 135-43(b) reads as rewritten:

"(b) Notwithstanding the provisions of this Article, the Executive Administrator and Board of Trustees of the State Health Plan for Teachers and State Employees may contract with providers of institutional and professional medical care and services to establish preferred provider networks.

The terms of a contract between the Plan and its third party administrator or between the Plan and its pharmacy benefit manager are a public record except that the terms in those contracts that contain trade secrets or proprietary or competitive information are not a public record under Chapter 132 of the General Statutes, and any such proprietary or competitive information and trade secrets contained in the contract shall be redacted by the Plan prior to making it available to the public. This subsection shall not be construed to prevent or restrict the release of any information made not a public record under this subsection to the State Auditor, the Attorney General, the Director of the State Budget, the Plan's Executive

Administrator, and the Committee on Employee Hospital and Medical Benefits solely and exclusively for their use in the furtherance of their duties and responsibilities, and to the Department of Health and Human Services solely for the purpose of implementing the transition of NC Health Choice from the Plan to the Department of Health and Human Services. The design, adoption, and implementation of the preferred provider contracts, networks, and optional alternative comprehensive health benefit plans, and programs available under the optional alternative plans, as authorized under G.S. 135-45 are not subject to the requirements of Article 3 of Chapter 143 of the General Statutes. However, the Executive Administrator and Board of Trustees shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Executive Administrator and Board of Trustees under this section a standard clause which provides that the State Auditor and internal auditors of the Plan may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Executive Administrator and Board of Trustees shall not award a cost plus percentage of cost agreement or contract for any purpose. The Executive Administrator and Board of Trustees shall make reports as requested to the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Committee on Employee Hospital and Medical Benefits."

SECTION 15.(s) G.S. 135-45(d1) reads as rewritten:

"(d1) The Executive Administrator and Board of Trustees shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by subsection (d) of this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Executive Administrator and Board of Trustees under this section a standard clause which provides that the State Auditor and internal auditors of the Plan may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Executive Administrator and Board of Trustees shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(t) G.S. 136-28.1(h) reads as rewritten:

"(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. However, the Department of Transportation shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Department of Transportation under this subsection a standard clause which provides that the State Auditor and internal auditors of the Department of Transportation may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department of Transportation shall not award a cost plus percentage of cost agreement or contract for any purpose. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so."

SECTION 15.(u) G.S. 136-89.194(g)(1) reads as rewritten:

"(1) Article 3 of Chapter 143 of the General Statutes. The Authority may use the services of the Department of Administration in procuring goods and services that are not specific to establishing and operating a toll revenue

system. However, the Authority shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and, (ii) include in all proposed contracts to be awarded by the Authority under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Authority may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Authority shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(v) G.S. 143-48.1(c) is rewritten to read:

"(c) The Department of Health and Human Services shall: (i) submit all proposed ~~statewide and agency term~~ contracts for a capitation arrangement or prepaid health services, as defined by this section, that exceed one million dollars ($1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Department under this section a standard clause which provides that the State Auditor and internal auditors of the Department may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(w) G.S. 143-49 reads as rewritten:

"**§ 143-49. Powers and duties of Secretary.**

...

(9) To include a standard clause in all contracts awarded by the State and departments, agencies, and institutions of the State, providing that the State Auditor and internal auditors of the affected department, agency, or institution may audit the records of the contactor during and after the term of the contract to verify accounts and data affecting fees or performance.

...

(12) To consult with the Attorney General or the Attorney General's designee in developing rules, regulations, and procedures providing for the orderly and efficient submission of proposed ~~statewide term, agency term, and non-term~~ contracts to the Attorney General for review as provided in G.S. 114-8.3 and G.S. 143-52.2."

SECTION 15.(x) G.S. 143-52.2 reads as rewritten:

"**§ 143-52.2. Certain contracts subject to review by Attorney General.**

The Secretary of Administration and every department, agency, and institution of the State shall submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3(a). This section shall not apply to the constituent institutions of The University of North Carolina."

SECTION 15.(y) G.S. 143-134(b) reads as rewritten:

"(b) Notwithstanding the provisions of subsection (a) of this section, the Department of Transportation and the Department of Correction shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Department of Transportation or the Department of Correction a standard clause which provides that the State Auditor and internal auditors of the Department of Transportation or the Department of Correction may audit the records of the contractor during and after the term of

the contract to verify accounts and data affecting fees and performance. Neither the Department of Transportation nor the Department of Correction shall award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(z) G.S. 143-151.16(d) reads as rewritten:

"(d) The Board may contract with persons for the development and administration of the examinations required by G.S. 143-151.13(a), for course development related to the examinations, for review of a particular applicant's examination, and for other related services. The person with whom the Board contracts may charge applicants a reasonable fee for the costs associated with the development and administration of the examinations, for course development related to the examinations, for review of the applicant's examinations, and for other related services. The fee shall be agreed to by the Board and the other contracting party. The amount of the fee under this subsection shall not exceed one hundred seventy-five dollars ($175.00). Contracts for the development and administration of the examinations, for course development related to the examinations, and for review of examinations shall not be subject to Article 3, 3C, or 8 of Chapter 143 of the General Statutes or to Article 3D of Chapter 147 of the General Statutes. However, the Board shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(aa) G.S. 143B-131.2(b)(15) reads as rewritten:

"(15) To procure supplies, services, and property as appropriate and to enter into contracts, leases, or other legal agreements to carry out the purposes of this Part and duties of the Commission. The provisions of G.S. 143-129 and Article 3 of Chapter 143 of the General Statutes do not apply to purchases by the Roanoke Island Commission of equipment, supplies, and services. However, the Commission shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Commission under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Commission may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commission shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 16.(a) G.S. 115D-87, as amended by Section 1 of S.L. 2011-21, reads as rewritten:

"**§ 115D-87. Definitions.**

The following definitions apply in this Article:

(2) Person. – Any individual, association, partnership or corporation, and includes any director, receiver, referee, trustee, executor, or administrator as well as a natural person.

(5) Proprietary school. – An educational institution having a physical presence within North Carolina that meets all of the following conditions:

a. It is privately owned by a sole proprietorship, partnership, limited liability company, or corporation.
b. It is established as a business entity or as a nonprofit charitable organization.
c. It offers instruction to individuals who (i) have completed their elementary and secondary education or (ii) are beyond the age of compulsory secondary school attendance and have demonstrated an ability to benefit from that instruction for the attainment of educational objectives, vocational objectives, or both.
d. It charges tuition or receives any consideration from a student for any portion of the instruction in any form, including written or audiovisual material.
e. It educates, trains, or claims or offers to educate or train students in a program leading toward (i) examinations for licensing in a profession or vocation, (ii) employment at a beginning or advanced level, or (iii) a postsecondary educational credential below the associate degree level.

The term includes a branch or extension of a private postsecondary educational institution of another state that is located in this State or that offers educational services or education at a physical location within this State. Delivery systems employed may include, but are not limited to, (i) correspondence, (ii) classrooms, (iii) hotels or other temporary dwelling units or areas, or (iv) electronic communications such as those used in distance education. Distance education is education, training courses, or programs delivered to a student who is geographically separate from the instructor. It does not include institutions licensed by G.S. 116-15.

If a school has physical locations and offers classes in more than one county, the school's operation in each county shall constitute a separate proprietary school, as defined in this section."

SECTION 16.(b) This section becomes effective July 1, 2011.

SECTION 17. G.S. 131E-34 is repealed.

SECTION 18. (a) G.S. 143-53.1 reads as rewritten:

"**§ 143-53.1. Setting of benchmarks; increase by Secretary.**

(a) On and after July 1, 1997, the procedures prescribed by G.S. 143-52 with respect to competitive bids and the bid value benchmark authorized by G.S. 143-53(a)(2) with respect to rule making by the Secretary of Administration for competitive bidding shall be no more than twenty-five thousand dollars ($25,000); provided, the Secretary of Administration may, in his or her discretion, increase the benchmarks effective as of the beginning of any fiscal biennium of the State commencing after June 30, 1999, in an amount whose increase, expressed as a percentage, does not exceed the rise in the Consumer Price Index during the fiscal biennium next preceding the effective date of the benchmark increase. For a special responsibility constituent institution of The University of North Carolina, the benchmark prescribed in this section shall be as provided in G.S. 116-31.10. For community colleges, the benchmark prescribed in this section shall be as provided in G.S. 115D-58.14."

SECTION 18.(b) This section becomes effective July 1, 2012.

SECTION 19. G.S. 143B-138.1(a) reads as rewritten:

"**§ 143B-138.1. Department of Health and Human Services – functions and organization.**

(a) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Human Resources are transferred to and vested in the Department of Health and Human Services by a Type I transfer, as defined in G.S. 143A-6:

(1) Division of Aging.
(2) Division of Services for the Blind.
(3) Division of Medical Assistance.
(4) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.
(5) Division of Social Services.
(6) Division of Health Service Regulation.
(7) Division of Vocational Rehabilitation.
(8) Repealed by Session Laws 1998-202, s. 4(v), effective January 1, 1999.
(9) Division of Services for the Deaf and the Blind.
~~(10) Office of Economic Opportunity~~.
(11) Division of Child Development.
(12) Office of Rural Health."

SECTION 19.5. If House Bill 362, 2011 Regular Session, becomes law, Section 4.(a) as enacted by that act reads as rewritten:

"**SECTION 4.(a)** It is unlawful to hunt deer from any vessel in the Tar River from 4 Springfield Road to the Dunbar Bridge, whether the vessel is under power or not, except that a vessel may be used for transportation to and from otherwise lawful hunting stands upon land owned or leased by a person or upon which a person has written permission to hunt."

SECTION 20. If House Bill 442, 2011 Regular Session, becomes law, Section 3 as enacted by that act reads as rewritten:

"**SECTION 3.** This act is effective when it becomes law. Section 1 of this act shall expire ~~July 1, 2013.~~July 1, 2018."

SECTION 21. If House Bill 650, 2011 Regular Session, becomes law, G.S. 14-415.27, as enacted by that act, reads as rewritten:

"**§ 14-415.27. Expanded permit scope for district attorneys, assistant district attorneys, and investigators employed by office of the district attorney.**

Notwithstanding G.S. 14-415.11(c), any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24 is not subject to the ~~restrictions and~~area prohibitions set out in G.S. 14-415.11(c) and may carry a concealed handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law."

SECTION 22.(a) If House Bill 806, 2011 Regular Session, becomes law, G.S. 153A-348(c) as enacted by that act reads as rewritten:

"(c) Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party in an action involving the enforcement of a zoning or unified development ordinance from raising as a defense to such enforcement action the invalidity of the ordinance. Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party who files a timely appeal from an order, requirement, decision, or determination made by an administrative official contending that such party is in violation of a zoning or unified development ordinance from raising in the appeal the invalidity of such ordinance as a defense to such order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of the ordinance on the basis of an alleged ~~deft~~ defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance."

SECTION 22.(b) If House Bill 806, 2011 Regular Session, becomes law, G.S. 160A-364.1(c) as enacted by that act reads as rewritten:

"(c) Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party in an action involving the enforcement of a zoning or unified development ordinance from raising as a defense to such enforcement action the invalidity of the ordinance. Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party who files a timely appeal from an order,

requirement, decision, or determination made by an administrative official contending that such party is in violation of a zoning or unified development ordinance from raising in the appeal the invalidity of such ordinance as a defense to such order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of the ordinance on the basis of an alleged ~~deft~~ defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance."

SECTION 23. If Senate Bill 781, 2011 Regular Session, becomes law, then Section 46 of that act, is rewritten to read:

"**SECTION 46.** G.S. 131E-188 reads as rewritten:

"**§ 131E-188. Administrative and judicial review.**

(a) After a decision of the Department to issue, deny or withdraw a certificate of need or exemption or to issue a certificate of need pursuant to a settlement agreement with an applicant to the extent permitted by law, any affected person, as defined in subsection (c) of this section, shall be entitled to a contested case hearing under Article 3 of Chapter 150B of the General Statutes. A petition for a contested case shall be filed within 30 days after the Department makes its decision. When a petition is filed, the Department shall send notification of the petition to the proponent of each application that was reviewed with the application for a certificate of need that is the subject of the petition. Any affected person shall be entitled to intervene in a contested case.

A contested case shall be conducted in accordance with the following timetable:

(1) An administrative law judge or a hearing officer, as appropriate, shall be assigned within 15 days after a petition is filed.

(2) The parties shall complete discovery within 90 days after the assignment of the administrative law judge or hearing officer.

(3) The hearing at which sworn testimony is taken and evidence is presented shall be held within 45 days after the end of the discovery period.

(4) The administrative law judge or hearing officer shall make ~~his recommended~~ a final decision within 75 days after the hearing.

~~(5) The Department shall make its final decision within 30 days of receiving the official record of the case from the Office of Administrative Hearings.~~

The administrative law judge or hearing officer assigned to a case may extend the deadlines in subdivisions (2) through (4) so long as the administrative law judge or hearing officer makes ~~his recommended~~ a final decision in the case within 270 days after the petition is filed. ~~The Department may extend the deadline in subdivision (5) for up to 30 days by giving all parties written notice of the extension.~~

...

(b) Any affected person who was a party in a contested case hearing shall be entitled to judicial review of all or any portion of any final decision ~~of the Department~~ in the following manner. The appeal shall be to the Court of Appeals as provided in G.S. 7A-29(a). The procedure for the appeal shall be as provided by the rules of appellate procedure. The appeal of the final decision ~~of the Department~~ shall be taken within 30 days of the receipt of the written notice of final decision, and notice of appeal shall be filed with the ~~Division of Health Service Regulation, Department of Health and Human Services~~ Office of Administrative Hearings and served on the Department and all other affected persons who were parties to the contested hearing.

(b1) Before filing an appeal of a final decision ~~by the Department~~ granting a certificate of need, the affected person shall deposit a bond with the Clerk of the Court of Appeals. The bond requirements of this subsection shall not apply to any appeal filed by the Department.

(1) The bond shall be secured by cash or its equivalent in an amount equal to five percent (5%) of the cost of the proposed new institutional health service that is the subject of the appeal, but may not be less than five thousand

dollars ($5,000) and may not exceed fifty thousand dollars ($50,000); provided that the applicant who received approval of the certificate of need may petition the Court of Appeals for a higher bond amount for the payment of such costs and damages as may be awarded pursuant to subdivision (2) of this subsection. This amount shall be determined by the Court in its discretion, not to exceed three hundred thousand dollars ($300,000). A holder of a certificate of need who is appealing only a condition in the certificate is not required to file a bond under this subsection.

(2) If the Court of Appeals finds that the appeal was frivolous or filed to delay the applicant, the court shall remand the case to the superior court of the county where a bond was filed for the contested case hearing on the certificate of need. The superior court may award the holder of the certificate of need part or all of the bond. The court shall award the holder of the certificate of need reasonable attorney fees and costs incurred in the appeal to the Court of Appeals. If the Court of Appeals does not find that the appeal was frivolous or filed to delay the applicant and does not remand the case to superior court for a possible award of all or part of the bond to the holder of the certificate of need, the person originally filing the bond shall be entitled to a return of the bond.

...."

SECTION 24. Section 13 of S.L. 2009-521 reads as rewritten:

"**SECTION 13.** Any natural hair care specialist who submits proof to the Board that the natural hair care specialist is actively engaged in the practice of a natural hair care specialist on the effective date of this act, passes an examination conducted by the Board and pays the required fee under G.S. 88B-20 shall be licensed without having to satisfy the requirements of G.S. 88B-10.1, enacted by Section 2 of this act. A cosmetic art shop that practices natural hair care only and that submits proof to the Board that the shop is actively engaged in the practice of natural hair care on the effective date of this act shall have ~~one year~~ two years from the date of this act to comply with the requirements of G.S. 88B-14. All persons who do not make application to the Board within ~~one year~~ two years of the effective date of this act shall be required to complete all training and examination requirements prescribed by the Board and to otherwise comply with the provisions of Chapter 88B of the General Statutes."

SECTION 25.(a) Section 1.37 of S.L. 2010-87 reads as rewritten:

"**SECTION 1.37.** Effective January 1, 2011, John Wayne Kahl of Iredell County is appointed to the State Judicial Council for a term expiring on December 31, ~~2013.~~2014."

SECTION 25.(b) Section 1.43 of S.L. 2010-87 reads as rewritten:

"**SECTION 1.43.** John Howard Boyette, Jr., of Wilson County and Paul Weller of ~~Durham County~~ Orange County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2013."

SECTION 26. The prefatory language of S.L. 2010-168, Section 5, is rewritten to read:

"**SECTION 5.** ~~G.S. 53-244.010(b)~~ G.S. 53-244.101(b) reads as rewritten:".

SECTION 27. Section 2.5(d) of S.L. 2011-85 reads as rewritten:

"**SECTION 2.5.(d)** Subdivision (26) of G.S. 135-44.4 [member education] is recodified as G.S. 135-48.56, to be entitled "Education of covered active and retired employees.", under ~~Part 2~~ Part 5 of Article 3B of Chapter 135 of the General Statutes, as created by Section 2.3 of this act."

SECTION 28. The prefatory language for Section 2 of S.L. 2011-35 reads as rewritten:

"**SECTION 2.** ~~Chapter 20 of the General Statutes~~ G.S. 20-7 is amended by adding a new subsection to read:"

SECTION 29. Unless otherwise provided by this act, this act becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 148*
PROPOSED HOUSE COMMITTEE SUBSTITUTE S148-PCS35292-TE-5

Short Title: GSC Tech Corrections/Other Changes. (Public)

Sponsors:

Referred to:

March 1, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE OTHER TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

PART I. TECHNICAL CHANGES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION

SECTION 1. G.S. 1C-1603(a) reads as rewritten:

"**§ 1C-1603. Procedure for setting aside exempt property.**

(a) Motion or Petition; Notice. –

(1) A judgment debtor may have his exempt property designated by motion after judgment has been entered against him.

(2) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1224, s. 10.

(3) The clerk or district court judge may determine that particular property is not exempt even though there has been no proceeding to designate the exemption.

(4) After judgment, except as provided in G.S. 1C-1603(a)(3) or when exemptions have already been designated, the clerk may not issue an execution or writ of possession unless notice from the court has been served upon the judgment debtor advising the debtor of the debtor's rights. The judgment creditor shall cause the notice, which shall be accompanied by the form for the statement by the debtor under subsection (c) of this section, to be served on the debtor as provided in G.S. 1A-1, Rule 4(j)(1). If the judgment debtor cannot be served as provided above, the judgment creditor may serve the judgment debtor by mailing a copy of the notice to the judgment debtor at the debtor's last known address. Proof of service by certified or registered mail or personal service is as provided in G.S. 1A-1, Rule 4. The judgment creditor may prove service by mailing to last known address by filing a certificate that the notice was served indicating the circumstances warranting the use of such service and the date and address of service. The notice shall be substantially in the following form:

...

8. That I wish to claim my interest in the following real or personal property, or in a cooperative that owns property, that I use as a residence or my dependent uses as a residence. I also wish to claim my interest in the following burial plots for myself or my dependents. I understand that my total interest claimed in the residence and burial plots may not exceed ~~$18,500,~~ $35,000, except that if I am unmarried and am 65 years of age or older, I am entitled to claim a total exemption in the residence and burial plots not to exceed ~~$37,000~~ $60,000 so long as the property was previously owned by me as a tenant by the entireties or as a joint tenant with rights of survivorship, and the former co-owner of the property is deceased.

I understand that I am not entitled to this exemption if I take the homestead exemption provided by the Constitution of North Carolina in other property. I understand that if I wish to claim more than one parcel exempt I must attach additional pages setting forth the following information for each parcel claimed exempt.

Property Location:

County _____ Township _____

Street Address _____

Legal Description:

Number by which county tax assessor identifies property _____

Description (Attach a copy of your deed or other instrument of conveyance that describes the property and indicate here: _____ or describe the property in as much detail as possible.

Attach additional sheets if necessary.)

_____

_____

_____

Record Owner(s) _____

_____

_____

Estimated Value: _____

Lienholders:

(1) Name _____ Current Balance _____

Address _____

(2) Name _____ Current Balance _____

Address _____

(3) Name _____ Current Balance _____

Address _____

(4) If others, attach additional pages.

If you are unmarried and 65 years of age or older, specify which, if any, property listed above was previously owned by you as a tenant by the entireties or as a joint tenant with rights of survivorship and as to which the former co-owner of the property is deceased:

...

15. That I wish to claim the following property as exempt because I claimed residential real or personal property as exempt that is worth less than ~~$18,500~~ $35,000 or I made no claim for a residential exemption under section (8) above. I understand that I am entitled to an exemption of up to $5,000 in any property only if I made no claim under section (8) above or a claim that was less than ~~$18,500~~ $35,000 under section (8) above. I understand that I am entitled to claim any unused amount that I was permitted to make under section (8) above up to a maximum of $5,000 in any property. (Examples: (a) if you claim ~~$17,500~~ $34,000 under section (8), $1,000 allowed here; (b) if you claim ~~$13,500~~ $30,000 under section (8), $5,000 allowed here; (c) if you claim ~~$18,500~~ $35,000 under section (8), no claim allowed here.) I further understand that the amount of my claim under this section is after the deduction from the value of this property of the amount of any valid lien or purchase money security interests and that tangible personal property purchased within 90 days of this proceeding may not be exempt.

..."

SECTION 2. G.S. 7A-304(a)(3a) reads as rewritten:

"(3a) For the supplemental pension benefits of sheriffs, the sum of one dollar twenty-five cents ($1.25) to be remitted to the Department of Justice and administered under the provisions of ~~Article 12G~~ Article 12H of Chapter 143 of the General Statutes."

SECTION 3. G.S. 15B-11(b1) reads as rewritten:

"(b1) The Commission or Director, whichever has the authority to decide a claim under G.S. 15B-10, shall ~~use the Commission's/Director's~~ exercise discretion in determining whether to deny a claim under subsection (b) of this section. In exercising ~~its~~ discretion, the Commission or Director shall consider whether any proximate cause exists between the injury and the misdemeanor or contributory misconduct, when applicable. The Director or Commission shall deny claims ~~when it finds~~ upon a finding that there was contributory misconduct that is a proximate cause of becoming a victim. However, contributory misconduct that is not a proximate cause of becoming a victim shall not lead to an automatic denial of a claim."

SECTION 4. G.S. 19A-62(b) reads as rewritten:

"(b) Use. – The revenue in the Account shall be used by the Department of Agriculture and Consumer Services as follows:

(1) Repealed by Session Laws 2010-31, s. 11.4(c), effective October 1, 2010.

(2) Up to twenty percent (20%) may be used to develop and implement the statewide education program component of the Spay/Neuter Program established in ~~G.S. 19A-61(a).~~ G.S. 19A-61(1).

(3) Up to twenty percent (20%) of the money in the Account may be used to defray the costs of administering the Spay/Neuter Program established in this Article.

(4) Funds remaining after deductions for the education program and administrative expenses shall be distributed quarterly to eligible counties and cities seeking reimbursement for reduced-cost spay/neuter surgeries performed during the previous calendar year. A county or city is ineligible to receive funds under this subdivision unless it requires the owner to show proof of rabies vaccination at the time of the procedure or, if none, require vaccination at the time of the procedure."

SECTION 5.(a) G.S. 28A-13-6 reads as rewritten:

"**§ 28A-13-6. Exercise of powers of joint personal representatives by one or more than one.**

(a) Repealed by Session Laws 2005-192, s. 5, effective January 1, 2006.

(b) If a will expressly makes provision for the execution of any of the powers of personal representatives by all of them or by any one or more of them, the provisions of the will govern.

(c) Repealed by Session Laws 2005-192, s. 5, effective January 1, 2006.

(c1) If there is no governing provision in the will, personal representatives may, by written agreement signed by all of them and filed with and approved by the clerk of superior court of the county in which the personal representatives qualified, provide that any designated one or more of the personal representatives may exercise one or more of the following powers:

(1) Establish and maintain bank accounts for the ~~trust~~ estate and issue checks for the estate.

(2) Maintain inventories, accountings, and income and expense records of the estate.

(3) Enter any safety deposit box rented by the estate.

(4) Employ persons as advisors or assistants in the performance of administrative duties, including agents, attorneys, accountants, brokers, appraisers, and custodians.
(5) List estate property for taxes and prepare and file tax returns for the ~~trust.~~estate.
(6) Collect and give receipts for claims and debts of the estate.
(7) Pay debts, claims, costs of administration, and taxes of the estate.
(8) Compromise, adjust, or otherwise settle any claim by or against the ~~trust~~ estate and release, in whole or in part, a claim belonging to the estate.
(9) Have custody of the estate property.
(10) Perform any function relating to investment of estate assets.

(d) Subject to subsection (b) of this section, if two or more personal representatives own shares of corporate stock or other securities, their acts with respect to voting shall have the following effect:
(1) If only one votes, in person or by proxy, that personal representative's act binds all;
(2) If more than one vote, in person or by proxy, the act of the majority so voting binds all;
(3) If more that one vote, in person or by proxy, but the vote is evenly split on any particular matter, each faction is entitled to vote the stock or other securities in question proportionately.

(e) Subject to subsections (b), (c1), and (d) of this section, all other acts and duties must be performed by both of the personal representatives if there are two, and by a majority of them if there are more than two. No personal representative who has not joined in exercising a power shall be liable for the consequences of such exercise, nor shall a dissenting personal representative be liable for the consequences of an act in which the personal representative joins at the direction of the majority of the personal representatives, if that personal representative expressed his or her dissent in writing to any other personal representative at or before the time of such joinder.

(f) No personal representative shall be relieved of liability on his or her bond or otherwise by entering into any agreement under this section."

SECTION 5.(b) If Senate Bill 432, 2011 Regular Session, becomes law, this section is repealed on the effective date of that act.

SECTION 6. G.S. 28A-15-9.1 and G.S. 28A-21-3.1 are repealed.

SECTION 7. G.S. 58-70-155(b) reads as rewritten:

"(b) The only evidence sufficient to establish the amount and nature of the debt shall be properly authenticated business records that satisfy the requirements of ~~Rule 803(b)~~ Rule 803(6) of the North Carolina Rules of Evidence. The authenticated business records shall include at least all of the following items:
(1) The original account number.
(2) The original creditor.
(3) The amount of the original debt.
(4) An itemization of charges and fees claimed to be owed.
(5) The original charge-off balance, or, if the balance has not been charged off, an explanation of how the balance was calculated.
(6) An itemization of post charge-off additions, where applicable.
(7) The date of last payment.
(8) The amount of interest claimed and the basis for the interest charged."

SECTION 8. G.S. 143-318.10(a) reads as rewritten:

"**§ 143-318.10. All official meetings of public bodies open to the public.**

(a) Except as provided in G.S. 143-318.11, 143-318.14A, ~~143-318.15,~~ and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting."

SECTION 9. G.S. 153A-320 reads as rewritten:.

"**§ 153A-320. Territorial jurisdiction.**

Each of the powers granted to counties by this ~~Article, by Chapter 157A, and by Chapter 160A, Article 19~~ Article and by Article 19 of Chapter 160A may be exercised throughout the county except as otherwise provided in G.S. 160A-360."

SECTION 10. G.S. 160A-288.2(d) reads as rewritten:

"(d) For the purposes of this section, the following shall be considered the equivalent of a municipal police department:

(1) Campus law-enforcement agencies established pursuant to ~~G.S. 116-40.5(a), and~~ G.S. 116-40.5(a).

(2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E or Chapter 74G of the General Statutes.

(3) Butner Public Safety.

SECTION 11. Unless otherwise provided, Part I of this act is effective when it becomes law.

PART II. OTHER CHANGES

SECTION 12.(a) G.S. 7B-602(a) reads as rewritten:

"(a) In cases where the juvenile petition alleges that a juvenile is abused, neglected, or dependent, the parent has the right to counsel and to appointed counsel in cases of indigency unless that person waives the right. When a petition is filed alleging that a juvenile is abused, neglected, or dependent, the clerk shall appoint provisional counsel for each parent named in the petition in accordance with rules adopted by the Office of Indigent Defense Services and shall indicate the appointment on the juvenile summons or attached notice. At the first hearing, the court shall dismiss the provisional counsel if the respondent parent:

(1) Does not appear at the hearing;

(2) Does not qualify for court-appointed counsel;

(3) Has retained counsel; or

(4) Waives the right to counsel.

The court shall confirm the appointment of counsel if subdivisions (1) through (4) of this subsection are not applicable to the respondent parent.

The court may reconsider a parent's eligibility and desire for appointed counsel at any stage of the proceeding."

SECTION 12.(b) G.S. 7B-1110.1(a) reads as rewritten:

"(a) The parent has the right to counsel, and to appointed counsel in cases of indigency, unless the parent waives the right. The fees of appointed counsel shall be borne by the Office of Indigent Defense Services. When a petition is filed, unless the parent is already represented by counsel, the clerk shall appoint provisional counsel for each respondent parent named in the petition in accordance with rules adopted by the Office of Indigent Defense Services and shall indicate the appointment on the juvenile summons. At the first hearing after service upon the respondent parent, the court shall dismiss the provisional counsel if the respondent parent:

(1) Does not appear at the hearing;

(2) Does not qualify for court-appointed counsel;

(3) Has retained counsel; or

(4) Waives the right to counsel.

The court shall confirm the appointment of counsel if subdivisions (1) through (4) of this subsection are not applicable to the respondent parent. The court may reconsider a parent's eligibility and desire for appointed counsel at any stage of the proceeding."

SECTION 12.(c) G.S. 15A-1345(e) reads as rewritten:

"(e) Revocation Hearing. – Before revoking or extending probation, the court must, unless the probationer waives the hearing, hold a hearing to determine whether to revoke or extend probation and must make findings to support the decision and a summary record of the proceedings. The State must give the probationer notice of the hearing and its purpose, including a statement of the violations alleged. The notice, unless waived by the probationer, must be given at least 24 hours before the hearing. At the hearing, evidence against the probationer must be disclosed to him, and the probationer may appear and speak in his own behalf, may present relevant information, and may confront and cross-examine adverse witnesses unless the court finds good cause for not allowing confrontation. The probationer is entitled to be represented by counsel at the hearing and, if indigent, to have counsel ~~appointed.~~ appointed in accordance with rules adopted by the Office of Indigent Defense Services. Formal rules of evidence do not apply at the hearing, but the record or recollection of evidence or testimony introduced at the preliminary hearing on probation violation are inadmissible as evidence at the revocation hearing. When the violation alleged is the nonpayment of fine or costs, the issues and procedures at the hearing include those specified in G.S. 15A-1364 for response to nonpayment of fine."

SECTION 12.(d) G.S. 15A-269(c) reads as rewritten:

"(c) ~~The~~ In accordance with rules adopted by the Office of Indigent Defense Services, the court shall appoint counsel for the person who brings a motion under this section if that person is indigent. If the petitioner has filed pro se, the court shall appoint counsel for the petitioner in accordance with rules adopted by the Office of Indigent Defense Services upon a showing that the DNA testing may be material to the petitioner's claim of wrongful conviction."

SECTION 12.(e) G.S. 15A-270.1 reads as rewritten:

"**§ 15A-270.1. Right to appeal denial of defendant's motion for DNA testing.**

The defendant may appeal an order denying the defendant's motion for DNA testing under this Article, including by an interlocutory appeal. The court shall appoint counsel in accordance with rules adopted by the Office of Indigent Defense Services upon a finding of indigency."

SECTION 13.(a) G.S. 8-34(b) reads as rewritten:

"(b) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(b) G.S. 8-45.1(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(c) G.S. 8-45.3(b) reads as rewritten:

"(b) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for

preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(d) G.S. 153A-436(f) reads as rewritten:

"(f) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 13.(e) G.S. 160A-490(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Nonerasable, computer-readable storage media ~~shall not~~ may be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in ~~G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department.~~ G.S. 121-5(d)."

SECTION 14.(a) G.S. 90-89(3) is amended by adding the following sub-subdivisions:

"dd. Alpha-Methyltryptamine.

ee. 5-Methoxy-n-diisopropyltryptamine."

SECTION 14.(b) G.S. 90-89(5) is amended by adding the following sub-subdivisions:

"h. N-Benzylpiperazine.

i. 2,5 – Dimethoxy-4-(n)-propylthiophenethylamine."

SECTION 14.(c) G.S. 90-90(3) is amended by adding a new sub-subdivision to read:

"f. Lisdexamfetamine, including its salts, isomers, and salts of isomers."

SECTION 14.(d) G.S. 90-90(2) is amended by adding a new sub-subdivision to read:

"aa. Tapentatol."

SECTION 14.(e) G.S. 90-91(k)5. reads as rewritten:

"5. Nandrolone ~~decanoate,~~decanoate,".

SECTION 15.(a) G.S. 18C-150 reads as rewritten:

"**§ 18C-150. Procurements.**

The Commission shall be exempt from Article 3 of Chapter 143 of the General Statutes but may use the services of the Department of Administration in procuring goods and services for the Commission. However, the Commission shall include in all contracts to be awarded by the Commission under this section a standard clause which provides that the State Auditor and internal auditors of the Commission may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commission shall not award a cost plus percentage of cost contract for any purpose. For purposes of this provision, "cost plus percentage of cost contract" is defined as a contract under which the contractor receives payment for indeterminate costs plus a stated percentage or amount of profit based upon such costs. This provision shall not apply to Commission contracts that require costs to be predetermined and approved by the Commission and a total not to exceed the amount specified in each contract to be paid to the contractor."

SECTION 15.(b) G.S. 53-320(d) reads as rewritten:

"(d) The Commissioner may enter into agreements with any bank supervisory agency supervising (i) a State trust institution engaging in trust business outside this State or (ii) an out-of-state trust institution maintaining a trust office or representative trust office in this State to engage the services of the agency's examiners at a reasonable rate of compensation or to provide the services of the Commissioner's examiners to the agency at a reasonable rate of compensation. Article 3 of Chapter 143 of the General Statutes does not apply to agreements authorized by this subsection. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(c) G.S. 53-326(d) reads as rewritten:

"(d) The Commissioner may enter into agreements with bank supervisory agencies supervising (i) a State trust institution engaging in trust business in a foreign country or (ii) a foreign trust institution maintaining a trust office or representative trust office in this State to engage the services of the bank supervisory agency's examiners at a reasonable rate of compensation or to provide the services of the Commissioner's examiners to the bank supervisory agency at a reasonable rate of compensation. Article 3 of Chapter 143 of the General Statutes does not apply to agreements authorized by this section. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(d) G.S. 53-391 reads as rewritten:

"**§ 53-391. Employment of counsel, accountants, and other experts; compensation.**

The Commissioner, for the purpose of exercising any power under the provisions of this Subpart, may (i) employ any liquidating agents, attorneys, accountants, consultants, and clerks necessary to properly conduct the business of or liquidate and distribute the assets of a State trust company; (ii) fix the compensation for the agents, attorneys, accountants, consultants, and clerks; and (iii) pay the compensation of those persons out of the assets of the State trust company. Provided, that all expenditures described in this section shall be approved by the resident or presiding judge in the county in which the action is pending. Payments made by the Commissioner pursuant to this section shall not be subject to the requirements of Article 3 of Chapter 143 of the General Statutes. As used in this Subpart, the term "Commissioner" includes the Commissioner's duly appointed agents. The Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this section a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after

the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(e) G.S. 53-401 reads as rewritten:

"**§ 53-401. Provisions for conservator; duties and powers.**

Whenever the Commissioner deems it necessary in order to conserve the assets of a State trust company for the benefit of clients or creditors, the Commissioner may appoint a conservator for the State trust company and require of the conservator a bond with any surety the Commissioner deems necessary and proper in an amount deemed sufficient by the Commissioner. The conservator, under the direction of the Commissioner, shall take possession of the fiduciary records and other books, records, and assets of every description of the State trust company placed under conservatorship and take actions necessary to conserve those assets pending further disposition of its business as provided by law. Except as provided in G.S. 53-405, the conservator shall have all rights, powers, and privileges, subject to the approval of the Commissioner, now possessed by or given to the Commissioner under the provisions of Subpart B and Subpart D of this Part. All expenses of the conservator shall be paid out of the assets of the State trust company under conservatorship and shall be a lien thereon which shall be prior to any other lien provided by law. The compensation of the conservator shall be determined by the Commissioner and shall be based on the time and experience of the conservator and the complexity of the conservatorship. Compensation of the conservator shall not be subject to the requirements of Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Commissioner under this section a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the conservator during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(f) G.S. 58-2-69(g) reads as rewritten:

"(g) The Commissioner may contract with the NAIC or other persons for the provision of online services to licensees, for the provision of administrative services to licensees, or for the provision of regulatory data systems to the Commissioner. The NAIC or other person with whom the Commissioner contracts may charge licensees a reasonable fee for the costs associated with the licensees' use of online services and administrative services. The fee shall be agreed to by the Commissioner and the other contracting party and shall be stated in the contract. Contracts for the provision of online services, contracts for the provision of administrative services, and contracts for the provision of regulatory data systems shall not be subject to Article 3, 3C, or 8 of Chapter 143 of the General Statutes or to Article 3D of Chapter 147 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the agreement or contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(g) G.S. 58-33-30(e) reads as rewritten:

"§ 58-33-30. License requirements.

...

(e) Examination.

...

(4) The answers of the applicant to the examination shall be provided by the applicant under the Commissioner's supervision. The Commissioner shall give examinations at such times and places within this State as the Commissioner considers necessary reasonably to serve the convenience of both the Commissioner and applicants: Provided that the Commissioner may contract directly with persons for the processing of examination application forms and for the administration and grading of the examinations required by this section; the Commissioner may charge a reasonable fee in addition to the registration fee charged under G.S. 58-33-125, to offset the cost of the examination contract authorized by this subsection; and such contracts shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost contract for any purpose.

(5) The Commissioner shall collect in advance the examination and registration fees provided in G.S. 58-33-125 and in subsection (4) of this section. The Commissioner shall make or cause to be made available to all applicants, for a reasonable fee to offset the costs of production, materials that he considers necessary for the applicants' proper preparation for examinations. The Commissioner may contract directly with publishers and other suppliers for the production of the preparatory materials, and contracts so let by the Commissioner shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost contract for any purpose.

...."

SECTION 15.(h) G.S. 58-33-125(e) reads as rewritten:

"(e) A resident licensee may obtain a duplicate photo-bearing license at times and places within this State that the Commissioner considers necessary and reasonable to serve the convenience of both the Commissioner and the licensee. The Commissioner may contract directly with persons for processing of duplicate photo-bearing licenses, and the contract shall

not be subject to Article 3 of Chapter 143 of the General Statutes. The Commissioner may charge a reasonable fee for duplicating a photo-bearing license in an amount that offsets the costs to the Department of duplicating the license, including costs associated with any contract entered into pursuant to this subsection. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(i) G.S. 58-33-130(a) reads as rewritten:

"**§ 58-33-130. Continuing education program for licensees.**

(a) The Commissioner may adopt rules to provide for a program of continuing education requirements for the purpose of enhancing the professional competence and professional responsibility of adjusters and motor vehicle damage appraisers. The rules may include criteria for:

(1) The content of continuing education courses;
(2) Accreditation of continuing education sponsors and programs;
(3) Accreditation of videotape or other audiovisual programs;
(4) Computation of credit;
(5) Special cases and exemptions;
(6) General compliance procedures; and
(7) Sanctions for noncompliance.

The Commissioner may contract directly with persons for the administration of the program provided for by this section, and those contracts shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose. The Commissioner may charge a reasonable fee to course providers to offset the cost of the program, including costs associated with contracts authorized by this subsection. The fee authorized by this subsection shall be in addition to the fees specified in G.S. 58-33-133. As used in this section and in G.S. 58-33-132, "administrator" means any person with whom the Commissioner has contracted under this subsection."

SECTION 15.(j) G.S. 58-71-40(d) reads as rewritten:

"(d) When a license is issued under this section, the Commissioner shall issue a picture identification card, of design, size, and content approved by the Commissioner, to the licensee. Each licensee must carry this card at all times when working in the scope of the licensee's employment. A licensee whose license terminates or is terminated shall surrender the identification card to the Commissioner within 10 working days after the termination. The Commissioner may contract directly with persons for the processing and issuance of picture identification cards required by this section and may charge a reasonable fee in addition to the license fee charged under G.S. 58-71-55 in an amount that offsets the cost of the service, including the costs associated with the contract authorized by this subsection. Contracts entered

into pursuant to this subsection shall not be subject to Article 3 of Chapter 143 of the General Statutes. However, the Commissioner shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Commissioner under this subsection a standard clause which provides that the State Auditor and internal auditors of the Commissioner may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commissioner shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(k) G.S. 63A-24(1) reads as rewritten:

"(1) Article 3 of Chapter 143 of the General Statutes does not apply to contracts for services listed in 49 U.S.C. § 2210(a)(16) or contracts for special user projects. That Article also does not apply to other contracts for projects, but, with respect to these other contracts, the powers and duties established in that Article shall be exercised by the Authority and the Secretary of Administration, and other State officers, employees, or agencies shall have no duties or responsibilities concerning the contracts. However, the Authority shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Authority under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Authority may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Authority shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(l) G.S. 84-23(d) reads as rewritten:

"(d) The Council may acquire, hold, rent, encumber, alienate, lease, and otherwise deal with real or personal property in the same manner as any private person or corporation, subject only to the approval of the Governor and the Council of State as to the acquisition, rental, encumbering, leasing and sale of real property. The Council may borrow money upon its bonds, notes, debentures, or other evidences of indebtedness sold through public or private sale pursuant to a loan agreement or a trust agreement or indenture with a trustee, with such borrowing either unsecured or secured by a mortgage on the Council's interest in real or personal property, and engage and contract with attorneys, underwriters, financial advisors, and other parties as necessary for such borrowing, with such borrowing and security subject to the approval of the Governor and the Council of State. The Council may utilize the services of the Purchase and Contract Division of the Department of Administration to procure personal property, in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes. However, the Council shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Council under this subsection a standard clause which provides that the State Auditor and internal auditors of the Council may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Council shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(m) G.S. 89E-5(e) reads as rewritten:

"(e) The Board may authorize expenditures deemed necessary to carry out the provisions of this Chapter and all expenses shall be paid upon the warrant of the Board treasurer. The Board treasurer shall deposit funds received by the Board in one or more funds in banks or other financial institutions carrying deposit insurance and authorized to do business in North Carolina. Interest earned on such funds may remain in the funds account and may be expended as authorized by the Board to carry out the provisions of this Chapter. In no event may expenditures exceed the revenues of the Board during any fiscal year. The Board is authorized and empowered to utilize the services of the Purchase and Contract Division of the Department of Administration for the procurement of personal property, in accordance with Article 3 of Chapter 143 of the General Statutes. The Board shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(n) G.S. 89F-5(d) reads as rewritten:

"(d) The Board may employ the necessary personnel for the performance of its functions and shall fix their compensation within the limits of funds available to the Board. The Board may procure personal property in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes. The Board shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(o) G.S. 108A-55(b) reads as rewritten:

"(b) Payments shall be made only to intermediate care facilities, hospitals and nursing homes licensed and approved under the laws of the State of North Carolina or under the laws of another state, or to pharmacies, physicians, dentists, optometrists or other providers of health-related services authorized by the Department. Payments may also be made to such fiscal intermediaries and to the capitation or prepaid health service contractors as may be authorized by the Department. Arrangements under which payments are made to capitation or prepaid health services contracts are not subject to the provisions of Chapter 58 of the General Statutes or of Article 3 of Chapter 143 of the General Statutes. However, the Department shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Department under this subsection a standard clause which provides that the State Auditor and internal auditors of the Department may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(p) G.S. 114-8.3 reads as rewritten:

"**§ 114-8.3. Attorney General to review certain contracts.**

(a) Except as provided in subsection (b) of this section, the Attorney General or the Attorney General's designee shall review all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to ensure that the proposed contracts are in proper legal form, contain all clauses required by law, are legally enforceable, and accomplish the intended purposes of the proposed contract. The term "review" as used in this section shall not constitute approval or disapproval of the policy merit or lack thereof of the proposed contract. For purposes of this subsection, the term "Attorney General's designee" shall include any attorney approved by the Attorney General to review contracts as provided in this subsection. The Attorney General shall require that any attorney designated under this subsection comply with any rules established by the Attorney General or the Department of Administration regarding the review of contracts.

(b) For the constituent institutions of The University of North Carolina, the General Counsel of each institution or the General Counsel's designee shall review all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to ensure that the proposed contracts are in proper legal form, contain all clauses required by law, are legally enforceable, and accomplish the intended purposes of the proposed contract. The term "review" as used in this section shall not constitute approval or disapproval of the policy merit or lack thereof of the proposed contract. For purposes of this subsection, the term "General Counsel's designee" shall include any attorney approved by the General Counsel to review contracts as provided in this subsection. The General Counsel shall require that any attorney designated under this subsection comply with any rules established by the Attorney General or the Department of Administration regarding the review of contracts."

SECTION 15.(q) G.S. 115D-67.4 reads as rewritten:

"**§ 115D-67.4. Fees collected by the Center; purchases using Center funds.**

Notwithstanding any other provision of law, all fees collected by the Applied Textile Technology Center for services to the textile industry, except for regular curriculum and continuing education tuition receipts, shall be retained by the Center and used for the operations of the Center. Purchases made by the Center using these funds are not subject to the provisions of Article 3 of Chapter 143 of the General Statutes. However, the Center shall: (i) submit all proposed ~~statewide and agency term~~ agreements or contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Center under this section a standard clause which provides that the State Auditor and internal auditors of the Center may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Center shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(r) G.S. 135-43(b) reads as rewritten:

"(b) Notwithstanding the provisions of this Article, the Executive Administrator and Board of Trustees of the State Health Plan for Teachers and State Employees may contract with providers of institutional and professional medical care and services to establish preferred provider networks.

The terms of a contract between the Plan and its third party administrator or between the Plan and its pharmacy benefit manager are a public record except that the terms in those contracts that contain trade secrets or proprietary or competitive information are not a public record under Chapter 132 of the General Statutes, and any such proprietary or competitive information and trade secrets contained in the contract shall be redacted by the Plan prior to making it available to the public. This subsection shall not be construed to prevent or restrict the release of any information made not a public record under this subsection to the State Auditor, the Attorney General, the Director of the State Budget, the Plan's Executive

Administrator, and the Committee on Employee Hospital and Medical Benefits solely and exclusively for their use in the furtherance of their duties and responsibilities, and to the Department of Health and Human Services solely for the purpose of implementing the transition of NC Health Choice from the Plan to the Department of Health and Human Services. The design, adoption, and implementation of the preferred provider contracts, networks, and optional alternative comprehensive health benefit plans, and programs available under the optional alternative plans, as authorized under G.S. 135-45 are not subject to the requirements of Article 3 of Chapter 143 of the General Statutes. However, the Executive Administrator and Board of Trustees shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Executive Administrator and Board of Trustees under this section a standard clause which provides that the State Auditor and internal auditors of the Plan may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Executive Administrator and Board of Trustees shall not award a cost plus percentage of cost agreement or contract for any purpose. The Executive Administrator and Board of Trustees shall make reports as requested to the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Committee on Employee Hospital and Medical Benefits."

SECTION 15.(s) G.S. 135-45(d1) reads as rewritten:

"(d1) The Executive Administrator and Board of Trustees shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by subsection (d) of this section to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Executive Administrator and Board of Trustees under this section a standard clause which provides that the State Auditor and internal auditors of the Plan may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Executive Administrator and Board of Trustees shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(t) G.S. 136-28.1(h) reads as rewritten:

"(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. However, the Department of Transportation shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Department of Transportation under this subsection a standard clause which provides that the State Auditor and internal auditors of the Department of Transportation may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department of Transportation shall not award a cost plus percentage of cost agreement or contract for any purpose. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so."

SECTION 15.(u) G.S. 136-89.194(g)(1) reads as rewritten:

"(1) Article 3 of Chapter 143 of the General Statutes. The Authority may use the services of the Department of Administration in procuring goods and services that are not specific to establishing and operating a toll revenue

system. However, the Authority shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and, (ii) include in all proposed contracts to be awarded by the Authority under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Authority may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Authority shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(v) G.S. 143-48.1(c) is rewritten to read:

"(c) The Department of Health and Human Services shall: (i) submit all proposed ~~statewide and agency term~~ contracts for a capitation arrangement or prepaid health services, as defined by this section, that exceed one million dollars ($1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all agreements or contracts to be awarded by the Department under this section a standard clause which provides that the State Auditor and internal auditors of the Department may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(w) G.S. 143-49 reads as rewritten:

"§ 143-49. Powers and duties of Secretary.

...

(9) To include a standard clause in all contracts awarded by the State and departments, agencies, and institutions of the State, providing that the State Auditor and internal auditors of the affected department, agency, or institution may audit the records of the contactor during and after the term of the contract to verify accounts and data affecting fees or performance.

...

(12) To consult with the Attorney General or the Attorney General's designee in developing rules, regulations, and procedures providing for the orderly and efficient submission of proposed ~~statewide term, agency term, and non-term~~ contracts to the Attorney General for review as provided in G.S. 114-8.3 and G.S. 143-52.2."

SECTION 15.(x) G.S. 143-52.2 reads as rewritten:

"§ 143-52.2. Certain contracts subject to review by Attorney General.

The Secretary of Administration and every department, agency, and institution of the State shall submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3(a). This section shall not apply to the constituent institutions of The University of North Carolina."

SECTION 15.(y) G.S. 143-134(b) reads as rewritten:

"(b) Notwithstanding the provisions of subsection (a) of this section, the Department of Transportation and the Department of Correction shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Department of Transportation or the Department of Correction a standard clause which provides that the State Auditor and internal auditors of the Department of Transportation or the Department of Correction may audit the records of the contractor during and after the term of

the contract to verify accounts and data affecting fees and performance. Neither the Department of Transportation nor the Department of Correction shall award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(z) G.S. 143-151.16(d) reads as rewritten:

"(d) The Board may contract with persons for the development and administration of the examinations required by G.S. 143-151.13(a), for course development related to the examinations, for review of a particular applicant's examination, and for other related services. The person with whom the Board contracts may charge applicants a reasonable fee for the costs associated with the development and administration of the examinations, for course development related to the examinations, for review of the applicant's examinations, and for other related services. The fee shall be agreed to by the Board and the other contracting party. The amount of the fee under this subsection shall not exceed one hundred seventy-five dollars ($175.00). Contracts for the development and administration of the examinations, for course development related to the examinations, and for review of examinations shall not be subject to Article 3, 3C, or 8 of Chapter 143 of the General Statutes or to Article 3D of Chapter 147 of the General Statutes. However, the Board shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 15.(aa) G.S. 143B-131.2(b)(15) reads as rewritten:

"(15) To procure supplies, services, and property as appropriate and to enter into contracts, leases, or other legal agreements to carry out the purposes of this Part and duties of the Commission. The provisions of G.S. 143-129 and Article 3 of Chapter 143 of the General Statutes do not apply to purchases by the Roanoke Island Commission of equipment, supplies, and services. However, the Commission shall: (i) submit all proposed ~~statewide and agency term~~ contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars ($1,000,000) authorized by this subdivision to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Commission under this subdivision a standard clause which provides that the State Auditor and internal auditors of the Commission may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Commission shall not award a cost plus percentage of cost agreement or contract for any purpose."

SECTION 16.(a) G.S. 115D-87, as amended by Section 1 of S.L. 2011-21, reads as rewritten:

"**§ 115D-87. Definitions.**

The following definitions apply in this Article:

(2) Person. – Any individual, association, partnership or corporation, and includes any director, receiver, referee, trustee, executor, or administrator as well as a natural person.

(5) Proprietary school. – An educational institution having a physical presence within North Carolina that meets all of the following conditions:

a. It is privately owned by a sole proprietorship, partnership, limited liability company, or corporation.
b. It is established as a business entity or as a nonprofit charitable organization.
c. It offers instruction to individuals who (i) have completed their elementary and secondary education or (ii) are beyond the age of compulsory secondary school attendance and have demonstrated an ability to benefit from that instruction for the attainment of educational objectives, vocational objectives, or both.
d. It charges tuition or receives any consideration from a student for any portion of the instruction in any form, including written or audiovisual material.
e. It educates, trains, or claims or offers to educate or train students in a program leading toward (i) examinations for licensing in a profession or vocation, (ii) employment at a beginning or advanced level, or (iii) a postsecondary educational credential below the associate degree level.

The term includes a branch or extension of a private postsecondary educational institution of another state that is located in this State or that offers educational services or education at a physical location within this State. Delivery systems employed may include, but are not limited to, (i) correspondence, (ii) classrooms, (iii) hotels or other temporary dwelling units or areas, or (iv) electronic communications such as those used in distance education. Distance education is education, training courses, or programs delivered to a student who is geographically separate from the instructor. It does not include institutions licensed by G.S. 116-15.

If a school has physical locations and offers classes in more than one county, the school's operation in each county shall constitute a separate proprietary school, as defined in this section."

SECTION 16.(b) This section becomes effective July 1, 2011.

SECTION 17. G.S. 131E-34 is repealed.

SECTION 18. (a) G.S. 143-53.1 reads as rewritten:

"**§ 143-53.1. Setting of benchmarks; increase by Secretary.**

(a) On and after July 1, 1997, the procedures prescribed by G.S. 143-52 with respect to competitive bids and the bid value benchmark authorized by G.S. 143-53(a)(2) with respect to rule making by the Secretary of Administration for competitive bidding shall be no more than twenty-five thousand dollars ($25,000); provided, the Secretary of Administration may, in his or her discretion, increase the benchmarks effective as of the beginning of any fiscal biennium of the State commencing after June 30, 1999, in an amount whose increase, expressed as a percentage, does not exceed the rise in the Consumer Price Index during the fiscal biennium next preceding the effective date of the benchmark increase. For a special responsibility constituent institution of The University of North Carolina, the benchmark prescribed in this section shall be as provided in G.S. 116-31.10. For community colleges, the benchmark prescribed in this section shall be as provided in G.S. 115D-58.14."

SECTION 18.(b) This section becomes effective July 1, 2012.

SECTION 19. G.S. 143B-138.1(a) reads as rewritten:

"**§ 143B-138.1. Department of Health and Human Services – functions and organization.**

(a) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Human Resources are transferred to and vested in the Department of Health and Human Services by a Type I transfer, as defined in G.S. 143A-6:

(1) Division of Aging.
(2) Division of Services for the Blind.
(3) Division of Medical Assistance.
(4) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.
(5) Division of Social Services.
(6) Division of Health Service Regulation.
(7) Division of Vocational Rehabilitation.
(8) Repealed by Session Laws 1998-202, s. 4(v), effective January 1, 1999.
(9) Division of Services for the Deaf and the Blind.
~~(10) Office of Economic Opportunity~~.
(11) Division of Child Development.
(12) Office of Rural Health."

SECTION 19.5. If House Bill 362, 2011 Regular Session, becomes law, Section 4.(a) as enacted by that act reads as rewritten:

"**SECTION 4.(a)** It is unlawful to hunt deer from any vessel in the Tar River from 4 Springfield Road to the Dunbar Bridge, whether the vessel is under power or not, except that a vessel may be used for transportation to and from otherwise lawful hunting stands upon land owned or leased by a person or upon which a person has written permission to hunt."

SECTION 20. If House Bill 442, 2011 Regular Session, becomes law, Section 3 as enacted by that act reads as rewritten:

"**SECTION 3.** This act is effective when it becomes law. Section 1 of this act shall expire ~~July 1, 2013.~~July 1, 2018."

SECTION 21. If House Bill 650, 2011 Regular Session, becomes law, G.S. 14-415.27, as enacted by that act, reads as rewritten:

"**§ 14-415.27. Expanded permit scope for district attorneys, assistant district attorneys, and investigators employed by office of the district attorney.**

Notwithstanding G.S. 14-415.11(c), any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24 is not subject to the ~~restrictions and~~area prohibitions set out in G.S. 14-415.11(c) and may carry a concealed handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law."

SECTION 22.(a) If House Bill 806, 2011 Regular Session, becomes law, G.S. 153A-348(c) as enacted by that act reads as rewritten:

"(c) Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party in an action involving the enforcement of a zoning or unified development ordinance from raising as a defense to such enforcement action the invalidity of the ordinance. Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party who files a timely appeal from an order, requirement, decision, or determination made by an administrative official contending that such party is in violation of a zoning or unified development ordinance from raising in the appeal the invalidity of such ordinance as a defense to such order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of the ordinance on the basis of an alleged ~~deft~~ defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance."

SECTION 22.(b) If House Bill 806, 2011 Regular Session, becomes law, G.S. 160A-364.1(c) as enacted by that act reads as rewritten:

"(c) Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party in an action involving the enforcement of a zoning or unified development ordinance from raising as a defense to such enforcement action the invalidity of the ordinance. Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 shall bar a party who files a timely appeal from an order,

requirement, decision, or determination made by an administrative official contending that such party is in violation of a zoning or unified development ordinance from raising in the appeal the invalidity of such ordinance as a defense to such order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of the ordinance on the basis of an alleged ~~deft~~ defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance."

SECTION 23. If Senate Bill 781, 2011 Regular Session, becomes law, then Section 46 of that act, is rewritten to read:

"**SECTION 46.** G.S. 131E-188 reads as rewritten:

"**§ 131E-188. Administrative and judicial review.**

(a) After a decision of the Department to issue, deny or withdraw a certificate of need or exemption or to issue a certificate of need pursuant to a settlement agreement with an applicant to the extent permitted by law, any affected person, as defined in subsection (c) of this section, shall be entitled to a contested case hearing under Article 3 of Chapter 150B of the General Statutes. A petition for a contested case shall be filed within 30 days after the Department makes its decision. When a petition is filed, the Department shall send notification of the petition to the proponent of each application that was reviewed with the application for a certificate of need that is the subject of the petition. Any affected person shall be entitled to intervene in a contested case.

A contested case shall be conducted in accordance with the following timetable:

(1) An administrative law judge or a hearing officer, as appropriate, shall be assigned within 15 days after a petition is filed.

(2) The parties shall complete discovery within 90 days after the assignment of the administrative law judge or hearing officer.

(3) The hearing at which sworn testimony is taken and evidence is presented shall be held within 45 days after the end of the discovery period.

(4) The administrative law judge or hearing officer shall make ~~his recommended~~ a final decision within 75 days after the hearing.

~~(5) The Department shall make its final decision within 30 days of receiving the official record of the case from the Office of Administrative Hearings.~~

The administrative law judge or hearing officer assigned to a case may extend the deadlines in subdivisions (2) through (4) so long as the administrative law judge or hearing officer makes ~~his recommended~~ a final decision in the case within 270 days after the petition is filed. ~~The Department may extend the deadline in subdivision (5) for up to 30 days by giving all parties written notice of the extension.~~

...

(b) Any affected person who was a party in a contested case hearing shall be entitled to judicial review of all or any portion of any final decision ~~of the Department~~ in the following manner. The appeal shall be to the Court of Appeals as provided in G.S. 7A-29(a). The procedure for the appeal shall be as provided by the rules of appellate procedure. The appeal of the final decision ~~of the Department~~ shall be taken within 30 days of the receipt of the written notice of final decision, and notice of appeal shall be filed with the ~~Division of Health Service Regulation, Department of Health and Human Services~~ Office of Administrative Hearings and served on the Department and all other affected persons who were parties to the contested hearing.

(b1) Before filing an appeal of a final decision ~~by the Department~~ granting a certificate of need, the affected person shall deposit a bond with the Clerk of the Court of Appeals. The bond requirements of this subsection shall not apply to any appeal filed by the Department.

(1) The bond shall be secured by cash or its equivalent in an amount equal to five percent (5%) of the cost of the proposed new institutional health service that is the subject of the appeal, but may not be less than five thousand

dollars ($5,000) and may not exceed fifty thousand dollars ($50,000); provided that the applicant who received approval of the certificate of need may petition the Court of Appeals for a higher bond amount for the payment of such costs and damages as may be awarded pursuant to subdivision (2) of this subsection. This amount shall be determined by the Court in its discretion, not to exceed three hundred thousand dollars ($300,000). A holder of a certificate of need who is appealing only a condition in the certificate is not required to file a bond under this subsection.

(2) If the Court of Appeals finds that the appeal was frivolous or filed to delay the applicant, the court shall remand the case to the superior court of the county where a bond was filed for the contested case hearing on the certificate of need. The superior court may award the holder of the certificate of need part or all of the bond. The court shall award the holder of the certificate of need reasonable attorney fees and costs incurred in the appeal to the Court of Appeals. If the Court of Appeals does not find that the appeal was frivolous or filed to delay the applicant and does not remand the case to superior court for a possible award of all or part of the bond to the holder of the certificate of need, the person originally filing the bond shall be entitled to a return of the bond.

...."

SECTION 24. Section 13 of S.L. 2009-521 reads as rewritten:

"**SECTION 13.** Any natural hair care specialist who submits proof to the Board that the natural hair care specialist is actively engaged in the practice of a natural hair care specialist on the effective date of this act, passes an examination conducted by the Board and pays the required fee under G.S. 88B-20 shall be licensed without having to satisfy the requirements of G.S. 88B-10.1, enacted by Section 2 of this act. A cosmetic art shop that practices natural hair care only and that submits proof to the Board that the shop is actively engaged in the practice of natural hair care on the effective date of this act shall have ~~one year~~ two years from the date of this act to comply with the requirements of G.S. 88B-14. All persons who do not make application to the Board within ~~one year~~ two years of the effective date of this act shall be required to complete all training and examination requirements prescribed by the Board and to otherwise comply with the provisions of Chapter 88B of the General Statutes."

SECTION 25.(a) Section 1.37 of S.L. 2010-87 reads as rewritten:

"**SECTION 1.37.** Effective January 1, 2011, John Wayne Kahl of Iredell County is appointed to the State Judicial Council for a term expiring on December 31, ~~2013.~~2014."

SECTION 25.(b) Section 1.43 of S.L. 2010-87 reads as rewritten:

"**SECTION 1.43.** John Howard Boyette, Jr., of Wilson County and Paul Weller of ~~Durham County~~ Orange County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2013."

SECTION 26. The prefatory language of S.L. 2010-168, Section 5, is rewritten to read:

"**SECTION 5.** ~~G.S. 53-244.010(b)~~ G.S. 53-244.101(b) reads as rewritten:".

SECTION 27. Section 2.5(d) of S.L. 2011-85 reads as rewritten:

"**SECTION 2.5.(d)** Subdivision (26) of G.S. 135-44.4 [member education] is recodified as G.S. 135-48.56, to be entitled "Education of covered active and retired employees.", under ~~Part 2~~ Part 5 of Article 3B of Chapter 135 of the General Statutes, as created by Section 2.3 of this act."

SECTION 28. The prefatory language for Section 2 of S.L. 2011-35 reads as rewritten:

"**SECTION 2.** ~~Chapter 20 of the General Statutes~~ G.S. 20-7 is amended by adding a new subsection to read:"

SECTION 29. Unless otherwise provided by this act, this act becomes effective when it becomes law.

SENATE BILL 148:
General Statutes Comm. Technical Corrections

011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 16, 2011
Introduced by:	Sen. Hartsell	**Prepared by:**	Research Division Staff
Analysis of:	PCS to First Edition S148-CSTE-5		

BILL ANALYSIS:

Sections 1-11 are technical changes recommended by the General Statutes Commission.

Sections 12 (a)-(e) add language providing that indigent counsel be appointed "in accordance with rules adopted by the Office of Indigent Defense Services." This language conforms to existing statutory language governing appointment of indigent counsel and is added to the following actions in which indigent counsel is appointed under current law: (1) abused, neglected or dependent juveniles; (2) termination of parental rights; (3) revocation of probation; (4) request by defendant for postconviction DNA testing; and (5) appeal of DNA request denial.

Sections 13 (a)-(e) would allow the use of noneraseable, computer-readable storage media for preservation duplicates of records held by state and local governments, public officers, the courts, and businesses. Preservation duplicates are photographic copies of essential public records which have the same force and effect as the original whether or not the original is in existence. The use of noneraseable, computer-readable storage is currently prohibited for preservation duplicates. Documents under this section include preservation duplicates of the following: (1) bonds, writings, papers, and other documents recorded or filed as records in any court, public office, or held by the Governor, Auditor, Secretary of State, Attorney General, and Department of Cultural Resources (G.S. 8-34); (2) business, professional and state agency records (G.S. 8-45.1); (3) Department of Revenue and Employment Security Commission records (G.S. 8-45.3); (4) county records including records held by the register of deeds (G.S. 153A-436); and (5) city records (G.S. 160A-490). This section would also allow the use of noneraseable, computer-readable storage for the preservation of permanently valuable records held by the Department of Cultural Resources.

Sections 14 (a)-(e) correct the statutory spelling of various controlled substances and adds substances to the statutory lists of controlled substances to conform to the list of substances adopted by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services.

Sections 15 (a)-(aa) amend provisions enacted in S.L. 2010-194 requiring review of certain State contracts by the Attorney General and also requiring those contracts to contain a clause allowing the State Auditor to audit records of the contractor. This section makes clear that the provisions apply to all contracts, not just term contracts, and the State Auditor is authorized to audit the contractor's records after the term of the contract in addition to during the term of the contract.

Section 16 clarifies that nonpublic post-secondary educational institutions that are licensed by The University of North Carolina would not be subject to the statutes governing proprietary schools which are licensed by the State Board of Community Colleges. This section becomes effective July 1, 2011.

Section 17 repeals a local modification governing health care facilities for the City of High Point. Part 2 of Chapter 131E of the General Statutes governs hospital authorities based on city and county populations. G.S. 131E-34 provides the City of High Point should be as if the city's population exceeded 75.000. Section X repeals this local modification. High Point's population now exceeds 75,000.

Sections 18 (a) and (b) clarify the authority of the State Board of Community Colleges to set benchmarks for contracts using American Recovery and Reinvestment Act (ARRA) funds. S.L. 2009-475 directs that contracts using ARRA funds must be made using the competitive bidding process. It also directs that the bid value benchmark be no more than $25,000. The State Board of Community Colleges has the ability under G.S.115D-58.14 to set delegated authority benchmarks at a higher amount. This section directs that the benchmark for community colleges for ARRA purchases will be those set under G.S. 115D-58.14. This section becomes effective July 1, 2012.

Section 19 deletes a reference to the Office of Economic Opportunity. The Office of Economic Opportunity is abolished and the Office's existing duties are being divided among other existing divisions of the Department of Health and Human Services.

Section 19.5 specifies that it is unlawful to hunt "deer" from any vessel on the Tar River from Springfield Road to the Dunbar Bridge by adding the word deer. The word deer was inadvertently omitted when an amendment containing the word deer was incorporated into House Bill 362.

Section 20 extends a sunset provision applicable to the Town of Cornelius. Section 1 of House Bill 442 amends the Charter for the Town of Cornelius and authorizes the Town to contract for design and construction of public projects without being subject to public contract laws, and sets out requirements for such contracts. This section extends the sunset for this provision from July 1, 2013 to July 1, 2018. The extension was inadvertently omitted from House Bill 442.

Section 21 conforms G.S. 14-415.27 governing the scope of handgun permits for district attorneys and others employed by the office of the district attorney to language in House Bill 650. House Bill 650 makes changes to G.S. 14-415.11(c) to list all areas in which a person holding a concealed handgun permit is prohibited from carrying a concealed weapon. To reflect the language in House Bill 650, this section changes the phrase "restrictions" to "area prohibitions". This section becomes effective only if House Bill 650 becomes law.

Sections 22 (a) and (b) correct typographical errors.

Section 23 makes a conforming change in a section of the Regulatory Reform Act of 2011 relating to final agency decisions in CON cases. The act provides that final agency decisions will now be made by Administrative Law Judges rather than the agencies. This section removes references to final decisions made by the Department of Health and Human Services in CON cases.

Section 24 amends the 2009 act that required the licensing of natural hair care specialists. The act became effective July 1, 2010, and "grandfathered" anyone who was practicing at the time and who made application to the Board within one year of the effective date. As a result, anyone who has not applied to the Board by July 1, 2011, will no longer be able to practice without meeting all the requirements for licensure. This section extends the time within which a business or person can apply to be "grandfathered" until July 1, 2012.

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Section 26 corrects a statutory reference in the prefatory language for S.L. 2010-168.

Section 27 corrects a reference in S.L. 2011-85. (Part 2 should refer to Part 5.)

Section 28 specifies that G.S. 20-7 is the section of Chapter 20 that is amended by S.L. 2011-35.

EFFECTIVE DATE: Unless otherwise provided, Senate Bill 148 is effective when it becomes law.

S148-SMRG-47(CSTE-5) v3

SENATE BILL 148:
General Statutes Comm. Technical Corrections

'011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 16, 2011
Introduced by:	Sen. Hartsell	**Prepared by:**	Research Division Staff
Analysis of:	PCS to First Edition S148-CSTE-5		

BILL ANALYSIS:

Sections 1-11 are technical changes recommended by the General Statutes Commission.

Sections 12 (a)-(e) add language providing that indigent counsel be appointed "in accordance with rules adopted by the Office of Indigent Defense Services." This language conforms to existing statutory language governing appointment of indigent counsel and is added to the following actions in which indigent counsel is appointed under current law: (1) abused, neglected or dependent juveniles; (2) termination of parental rights; (3) revocation of probation; (4) request by defendant for postconviction DNA testing; and (5) appeal of DNA request denial.

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EFFECTIVE DATE: Unless otherwise provided, Senate Bill 148 is effective when it becomes law.

S148-SMRG-47(CSTE-5) v3

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SB 148 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill..

(FOR JOURNAL USE ONLY)

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

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

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

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 17, 2011

The Committee on Rules, Calendar and Operations of the House met on June 17, 2011 at 10:33 am in Room 1327 of the Legislative Building. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Daughtry, Farmer-Butterfield, Hackney, Hilton, Luebke, Moffitt, Samuelson, Stam and Stone.

Rep. LaRoque presided.

The Following Bill was considered:

SB 593Government Reduction Act. (Senator Clary, Brock, Soucek Primary Sponsors) Rep Alexanber made a motion for the PCS to be before the committee. Vote called motion passes. No discussion or debate. Rep. Hackney motioned for a favorable report as to the PCS, unfavorable to the original Vote was called. Motion passed.

Chair LaRoque adjourned at 10:35 am.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Friday, June 17, 2011
TIME: 10:15pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 593	Government Reduction Act.	Senator Clary Senator Brock Senator Soucek

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **June 17, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 593 A BILL TO BE ENTITLED AN ACT REDUCING STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES.

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill-1.

(FOR JOURNAL USE ONLY)

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

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

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

SENATE BILL 593
Program Evaluation Committee Substitute Adopted 6/7/11
Third Edition Engrossed 6/9/11

Short Title: Government Reduction Act. (Public)

Sponsors:

Referred to:

April 14, 2011

A BILL TO BE ENTITLED

AN ACT REDUCING STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES.

The General Assembly of North Carolina enacts:

PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED CRITICAL

ADVISORY COMMITTEE ON ABANDONED CEMETERIES

SECTION 1.1. Part 26 of Chapter 143B of the General Statutes, G.S. 143B-128, is repealed.

ADVISORY COUNCIL FOR THE PUBLIC CAMPAIGN FINANCING FUND

SECTION 1.2.(a) G.S. 163-278.68 is repealed.

SECTION 1.2.(b) G.S. 163-278.63(c) reads as rewritten:

"**§ 163-278.63. North Carolina Public Campaign Fund established; sources of funding.**

...

(c) Determination of Fund Amount. – By October 1, 2003, and every two years thereafter, the ~~Board, in conjunction with the Advisory Council for the Public Campaign Financing Fund,~~Board shall prepare and provide to the Joint Legislative Commission on Governmental Operations of the General Assembly a report documenting, evaluating, and making recommendations relating to the administration, implementation, and enforcement of this Article. In its report, the Board shall set out the funds received to date and the expected needs of the Fund for the next election."

ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE

SECTION 1.3. Part 28 of Article 2 of Chapter 143B of the General Statutes, G.S. 143B-132, is repealed.

AQUACULTURE ADVISORY BOARD

SECTION 1.4. G.S. 106-760 is repealed.

BUTNER LANDS COMMISSION

SECTION 1.5. G.S. 122C-415 is repealed.

COORDINATION OF CHILDREN'S SERVICES STUDY COMMISSION

SECTION 1.6. Subsections (i) and (j) of Section 10.25 of S.L. 2005-276 are repealed.

GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH

SECTION 1.7. Part 17 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-414 through G.S. 143B-416, is repealed.

GOVERNOR'S BUSINESS COUNCIL ON THE ARTS AND HUMANITIES

SECTION 1.8. The Governor's Business Council on the Arts and Humanities is abolished.

INFORMATION TECHNOLOGY ADVISORY BOARD

SECTION 1.9.(a) G.S. 147-33.72G is repealed.

SECTION 1.9.(b) G.S. 147-33.72A(4) reads as rewritten:

"**§ 147-33.72A. Purpose.**

The purposes of this Article are to:

...

~~(4) Create an Information Technology Advisory Board.~~

...."

SECTION 1.9.(c) G.S. 147-33.72H reads as rewritten:

"**§ 147-33.72H. Information Technology Fund.**

There is established a special revenue fund to be known as the Information Technology Fund, which may receive transfers or other credits as authorized by the General Assembly. Money may be appropriated from the Information Technology Fund to meet statewide requirements, including planning, project management, security, electronic mail, State portal operations, and the administration of systemwide procurement procedures. Expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund shall be made by the ~~State CIO in consultation with the Information Technology Advisory Board.~~CIO. By October 1 of each year, the State CIO shall submit to the Joint Legislative Oversight Committee on Information Technology a report on all expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund for the preceding fiscal year. Interest earnings on the Information Technology Fund balance shall be credited to the Information Technology Fund."

SECTION 1.9.(d) G.S. 147-33.82(a)(3) reads as rewritten:

"**§ 147-33.82. Functions of the Office of Information Technology Services.**

(a) In addition to any other functions required by this Article, the Office of Information Technology Services shall:

...

(3) Conduct an annual assessment of State agencies for compliance with statewide policies for information ~~technology and submit for review of the Information Technology Advisory Board recommended statewide policies for information~~ technology.

...."

SECTION 1.9.(e) G.S. 147-33.110 reads as rewritten:

"**§ 147-33.110. Statewide security standards.**

The State Chief Information Officer shall establish a statewide set of standards for information technology security to maximize the functionality, security, and interoperability of the State's distributed information technology assets, including communications and encryption technologies. The State CIO shall review and revise the security standards annually. As part of

this function, the State Chief Information Officer shall review periodically existing security standards and practices in place among the various State agencies to determine whether those standards and practices meet statewide security and encryption requirements. The State Chief Information Officer may assume the direct responsibility of providing for the information technology security of any State agency that fails to adhere to security standards adopted under this Article. ~~Any actions taken by the State Chief Information Officer under this section shall be reported to the Information Technology Advisory Board at its next scheduled meeting.~~"

LEGISLATIVE INTERN PROGRAM COUNCIL

SECTION 1.10. G.S. 120-56 is repealed.

NORTH CAROLINA CAPITAL PLANNING COMMISSION

SECTION 1.11.(a) Part 3 of Article 9 of Chapter 143B of the General Statutes, being G.S. 143B-373 and G.S. 143B-374, is repealed.

SECTION 1.11.(b) G.S. 140-5.14(12) reads as rewritten:

"**§ 140-5.14. Board of Trustees – powers and duties.**

The Board of Trustees shall be the governing body of the North Carolina Museum of Art and shall have the following powers and duties:

...

(12) To determine the sites for expansion of the North Carolina Museum of Art with the approval of the Governor and Council of ~~State and the North Carolina State Capital Planning Commission;~~State;

...."

NORTH CAROLINA LOCAL GOVERNMENT ADVOCACY COUNCIL

SECTION 1.12. G.S. 143-506.14 is repealed.

NORTH CAROLINA PUBLIC RADIO ADVISORY COMMITTEE – AGENCY ON PUBLIC TELECOMMUNICATIONS

SECTION 1.13.(a) G.S. 143B-426.12 is repealed.

SECTION 1.13.(b) G.S. 143B-426.9 reads as rewritten:

"**§ 143B-426.9. North Carolina Agency for Public Telecommunications – Creation; membership; appointments, terms and vacancies; officers; meetings and quorum; compensation.**

The North Carolina Agency for Public Telecommunications is created. It is governed by the Board of Public Telecommunications Commissioners, composed of ~~27~~ 26 members as follows:

(1) A Chairman appointed by, and serving at the pleasure of, the Governor;
(2) Ten at-large members, appointed by the Governor from the general public;
(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;
(4) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;
(5) The Secretary of Administration, ex officio;
(6) The Chairman of the Board of Trustees of The University of North Carolina Center for Public Television (if and when established), ex officio;
(7) The Chairman of the State Board of Education, ex officio;
(8) The Chairman of the OPEN/net Committee, ex officio, so long as such person is not a State employee;
(9) The Chairman of the North Carolina Utilities Commission, ex officio;

(10) The Director of the Public Staff of the North Carolina Utilities Commission, ex officio;
~~(11) The Chairman of the Public Radio Advisory Committee of the North Carolina Agency for Public Telecommunications, ex officio;~~
(12) The Superintendent of Public Instruction, ex officio;
(13) The President of the University of North Carolina, ex officio;
(14) The President of the Community Colleges System, ex officio; and
(15) Two members ex officio who shall rotate from among the remaining heads of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by the Governor.

The 10 at-large members shall serve for terms staggered as follows: four terms shall expire on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on June 30, 1984. Thereafter, the members at large shall be appointed for full four-year terms and until their successors are appointed and qualified. In making appointments of members at large, the Governor shall seek to appoint persons from the various geographic areas of the State including both urban and rural areas; persons from various classifications as to sex, race, age, and handicapped persons; and persons who are representatives of the public broadcast, commercial broadcast, nonbroadcast distributive systems and private education communities of the State.

The terms of the ex officio members are coterminous with their respective terms of office. In the event that any of the offices represented on the Board ceases to exist, the successor officer to the designated member shall become an ex officio member of the Board; if there shall be no successor, then the position on the Board shall be filled by a member to be appointed by the Governor from the general public. The ex officio members shall have the right to vote.

The initial members appointed to the Board by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years.

The terms of the rotating ex officio members shall be of one-year duration, and the schedule of rotation is determined by the Governor.

Each State official who serves on the Board may designate a representative of his department, agency or institution to sit in his place on the Board and to exercise fully the official's privileges of membership.

The Secretary of Administration or his designee serves as secretary of the Board.

Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the original appointment.

The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.

The Board meets quarterly and at other times at the call of the chairman or upon written request of at least six members.

A majority of the Board members shall constitute a quorum for the transaction of business."

NORTH CAROLINA RAIL COUNCIL

SECTION 1.14. Part 9 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-361 through G.S. 143B-363, is repealed.

PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE

SECTION 1.15. G.S. 120-70.108 is repealed.

PUBLIC HEALTH STUDY COMMISSION

SECTION 1.16.(a) Article 22 of Chapter 120 of the General Statutes, G.S. 120-195 through G.S. 120-203, is repealed.

SECTION 1.16.(b) G.S. 130A-40.1(b) reads as rewritten:

"**§ 130A-40.1. Pilot program for nurse as health director.**

...

(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. ~~The Secretary of Health and Human Services shall report any approval under this section to the Public Health Study Commission.~~"

SUBSTANCE ABUSE ADVISORY COUNCIL

SECTION 1.17.(a) Part 5 of Article 6A of Chapter 143B of the General Statutes, G.S. 143B-270 and G.S. 143B-271, is repealed.

SECTION 1.17.(b) G.S. 148-19(d) reads as rewritten:

"**§ 148-19. Health services.**

...

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Department of Correction. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Correction an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within the Department of Health and Human Services to monitor the implementation by the Department of Correction of these standards and of substance abuse standards adopted by the Department of ~~Correction upon the advice of the Substance Abuse Advisory Council established pursuant to G.S. 143B-270.~~Correction. The Secretary of Health and Human Services shall send a written report on the progress which the Department of Correction has made on the implementation of such standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such reports shall be made on an annual basis beginning January 1, 1978."

TASK FORCE ON SCHOOL-BASED MANAGEMENT

SECTION 1.18. G.S. 115C-105.31 is repealed.

TASK FORCE ON THE COORDINATION OF CHILDREN'S SERVICES

SECTION 1.19.(a) G.S. 120-221 is repealed.

SECTION 1.19.(b) G.S. 120-217(c) reads as rewritten:

"**§ 120-217. Commission membership; terms; compensation.**

...

(c) Commission members shall receive no salary as a result of serving on the Commission ~~and the Task Force on the Coordination of Children's Services~~ but shall receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable."

SECTION 1.19.(c) G.S. 120-218(c) reads as rewritten:

"**§ 120-218. Commission meetings; public hearings; staff.**

...

(c) The Commission may contract for clerical or professional staff or for any other services it may require in the course of its ongoing study. At the request of the Commission, the Legislative Services Commission may supply members of the staff of the Legislative Services Office and clerical assistance to the Commission as the Legislative Services Commission

considers appropriate. The Commission ~~and the Task Force on the Coordination of Children's Services~~ may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building."

SECTION 1.19.(d) G.S. 120-220 reads as rewritten:

"**§ 120-220. Commission authority.**

The Commission ~~and the Task Force on the Coordination of Children's Services~~ has the authority to obtain information and data from all State officers, agents, agencies, and departments, while in discharge of its duties, pursuant to G.S. 120-19, as if it were a committee of the General Assembly."

PETROLEUM UNDERGROUND STORAGE TANK FUND COUNCIL

SECTION 1.20.(a) G.S. 143-215.94O is repealed.

SECTION 1.20.(b) G.S. 143-215.94A reads as rewritten:

"**§ 143-215.94A. Definitions.**

Unless a different meaning is required by the context, the following definitions shall apply throughout this Part and Part 2B of this Article:

...

~~(3) "Council" means the North Carolina Petroleum Underground Storage Tank Funds Council.~~

...."

SECTION 1.20.(c) G.S. 143-215.94I reads as rewritten:

"**§ 143-215.94I. Insurance pools authorized; requirements.**

...

(l) The Department of Insurance, in consultation with ~~the Petroleum Underground Storage Tank Funds Council and~~ the Department of Environment and Natural Resources, shall provide guidance and technical assistance for the formation of an insurance pool pursuant to G.S. 143-215.94I to any responsible entity that requests assistance."

NORTH CAROLINA AERONAUTICS COUNCIL

SECTION 1.21.(a) G.S. 143B-356 and G.S. 143B-357 are repealed.

SECTION 1.21.(b) The title of Part 5 of Article 8 of Chapter 143B of the General Statutes reads as rewritten:

"Part 5. Division of ~~Aeronautics – Aeronautics Council.~~Aeronautics."

SECTION 1.21.(c) G.S. 63-66 reads as rewritten:

"**§ 63-66. Administration of Article; powers of Department of Transportation.**

The Department of Transportation shall carry out the provisions of this Article. In exercising such power, the Department shall:

(1) Promote the further development and improvement of air routes, airport facilities, seaplane bases, heliports, protect their approaches and stimulate the development of aviation, commerce and air facilities. In exercising this power, the Department shall prepare and develop goals, objectives, standards and policies for the most efficient and economical expenditure of State funds as may be appropriated for the purposes of this Article.

(2) Publish and make available to aviation interests, the Federal Aviation Administration, and the people of the State generally, current information regarding such criteria, standards, and policies.

(3) Prepare and keep current a State airport plan and submit annual revisions of that plan to the Federal Aviation Administration.

(4) Make a detailed and thorough study of all applications for State assistance authorized herein and make specific recommendations regarding applications to the Federal Aviation Administration for federal grants.

(5) Develop a plan of priorities and allocations of State funds to be revised annually.

(6) Represent the State before all federal agencies and elsewhere where the aviation interests of the State may be affected.

(7) Subject to the availability of funds for the purpose, promote aviation safety throughout the State and conduct such promotional, educational and other programs as may be necessary to keep the people of the State properly informed with respect to aviation and to further aeronautics generally throughout the State.

~~In exercising the powers and performing the duties herein provided for by this section, the Department of Transportation shall consult with and seek the advice of the aeronautics council.~~"

FUTURE OF THE NORTH CAROLINA RAILROAD STUDY

SECTION 1.22. Article 28 of Chapter 120 of the General Statutes, G.S. 120-245 through G.S. 120-255, is repealed.

LEGISLATIVE SERVICES COMMISSION SUBCOMMITTEE ON EXPENDITURE MODEL

SECTION 1.23. Sections 7.1 and 7.2 of Chapter 17 of the 1995 Session Laws, Second Extra Session 1996, are repealed.

NORTH CAROLINA PUBLIC EMPLOYEE SPECIAL PAY PLAN BOARD OF TRUSTEES

SECTION 1.24. Part 29 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.41, is repealed.

ROANOKE RIVER BASIN ADVISORY COMMITTEE

SECTION 1.25.(a) Part 2 of Article 7 of Chapter 77 of the General Statutes, G.S. 77-103 through G.S. 77-109, is repealed.

SECTION 1.25.(b) The title of Article 7 of Chapter 77 of the General Statutes reads as rewritten:

"Article 7.

Roanoke River Basin Bi-State ~~Commission; Roanoke River Basin Advisory Committee.~~Commission.

Part 1. Roanoke River Basin Bi-State Commission."

NORTH CAROLINA SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AGENCY – TRANSFER DUTIES AND FUNCTIONS TO THE CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

SECTION 1.26.(a) G.S. 159I-3 reads as rewritten:

"**§ 159I-3. Definitions.**

(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this Chapter:

~~(1) "Administrative charges" means any charge made by the Agency to a unit of local government for the providing of financing pursuant to this Chapter and may include, without limitation, charges for financing costs, charges for the costs of bond and reserve fund insurance, of credit enhancement and liquidity facilities, and of interest rate agreements, charges in respect of nonasset bond and investment income deficiencies, and charges for~~

~~administrative expenses of the Agency incurred in the exercise of its powers and duties conferred by this Chapter.~~

~~(2) "Agency" means the North Carolina Solid Waste Management Capital Projects Financing Agency.~~

(3) "Board" means the ~~board of directors of the Agency or any other governing body of the Agency succeeding to the principal functions of the Agency.~~ Clean Water Management Trust Fund Board of Trustees.

(4) "Bonds" means the revenue bonds authorized to be issued by the ~~Agency~~ Board under this Chapter. As used in this Chapter, the term "bonds" does not include any loan agreement.

(5) "Costs" means the capital cost of acquiring or constructing any project, including, without limitation, the following:

a. The costs of doing any or all of the following deemed necessary or convenient by a unit of local government:
   1. Acquiring, constructing, erecting, providing, developing, installing, furnishing, and equipping;
   2. Reconstructing, remodeling, altering, renovating, replacing, refurnishing, and re-equipping;
   3. Enlarging, expanding, and extending; and
   4. Demolishing, relocating, improving, grading, draining, landscaping, paving, widening, and resurfacing.

b. The costs of all property, both real and personal and both improved and unimproved, and of plants, works, appurtenances, structures, facilities, furnishings, machinery, equipment, vehicles, easements, water rights, air rights, franchises, and licenses used or useful in connection with the purpose authorized;

c. The costs of demolishing or moving structures from land acquired and acquiring any lands to which such structures thereafter are to be moved;

d. Financing charges, including estimated interest during the acquisition or construction of such project and for six months thereafter;

e. The costs of services to provide and the cost of plans, specifications, studies and reports, surveys, and estimates of costs and revenues;

f. The costs of paying any interim financing, including principal, interest, and premium, related to the acquisition or construction of a project;

g. Administrative and legal expenses and administrative charges;

h. The costs of obtaining bond and reserve fund insurance and investment contracts, of credit-enhancement facilities, liquidity facilities and interest-rate agreements, and of establishing and maintaining debt service and other reserves; and

i. Any other services, costs, and expenses necessary or incidental to the purpose authorized.

(6) "Division" means the Division of Waste Management of the Department of Environment and Natural Resources and any successor of the Division of Waste Management.

(7) "Loan" means moneys loaned by the ~~Agency~~ Board to a unit of local government for a project authorized by this Chapter.

(8) "Loan agreement" means any bond, note, contract, loan agreement, or other written agreement of a unit of local government delivered to the Agency and evidencing the unit's receipt of loan proceeds from the sale of all or a portion

of the Agency's bonds or from other available money of the Agency and setting forth the terms of the unit's agreement to make payments to the ~~Agency~~ Board in respect of such loan.

(9) "Local Government Commission" means the Local Government Commission of the Department of the State Treasurer, established by Article 2 of Chapter 159 of the General Statutes and any successor of said Commission.

(10) "Notes" means the revenue notes or revenue bond anticipation notes authorized to be issued by the ~~Agency~~ Board under this Chapter. As used in this Chapter, the term "notes" does not include any loan agreement.

(11) "Project" means any capital project authorized to be financed in G.S. 159I-8.

(12) "Revenues" means all moneys received by the Agency, other than the proceeds received by the ~~Agency~~ Board from the sale of bonds or notes and moneys appropriated by the State for the Solid Waste Management Loan Fund, in connection with the providing of financing to units of local government, including without limitation:

a. The payments received by the ~~Agency~~ Board of the principal of and premium, if any, and interest on loan agreements;

b. Administrative charges, but only to the extent determined by the ~~Agency;~~Board; and

c. Investment earnings on all revenues, funds, and other moneys of the ~~Agency.~~Board.

(13) "Unit of local government" or "unit" means:

a. A unit of local government as defined in G.S. 159-44(4);

b. Any combination of units, as defined in G.S. 160A-460(2), entering into a contract or agreement with each other under G.S. 160A-461;

c. Any joint agency established under G.S. 160A-462; as any such section may be amended from time to time;

d. Any regional solid waste management authority created pursuant to G.S. 153A-421; or

e. A consolidated city-county as defined by G.S. 160B-2(1), including such a consolidated city-county acting with respect to an urban service district defined by a consolidated city-county.

(b) Unless a different meaning is required by the context, the definitions set out in G.S. 130A-290, as such section may be amended from time to time, shall apply throughout this Chapter."

SECTION 1.26.(b) G.S. 159I-4 is repealed.

SECTION 1.26.(c) The Revisor of Statutes is authorized to change the word "Agency" to the word "Board" where it appears in Chapter 159I of the General Statutes.

NORTH CAROLINA BICYCLE COMMITTEE

SECTION 1.27. G.S. 136-71.13 is repealed.

JOINT LEGISLATIVE COMMISSION ON FUTURE STRATEGIES FOR NORTH CAROLINA

SECTION 1.28.(a) Article 13B of Chapter 120 of the General Statutes, G.S. 120-84.6 through G.S. 120-84.12, is repealed.

SECTION 1.28.(b) G.S. 143-318.14A reads as rewritten:

"**§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without

limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

...

~~(12) The Joint Legislative Commission on Future Strategies for North Carolina;~~

...."

JOINT BROADBAND TASK FORCE

SECTION 1.29. Section 6.18(e) of S.L. 2010-31 reads as rewritten:

"**SECTION 6.18.(e)** Beginning December 1, 2010, the Task Force shall provide quarterly reports to the Joint Legislative Oversight Committee on Information Technology and shall terminate upon filing its final ~~report.~~ report on or before July 1, 2011."

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 1.30.(a) Article 25 of Chapter 120 of the General Statutes, G.S. 120-226, is repealed.

SECTION 1.30.(b) G.S. 114-19.01 reads as rewritten:

"**§ 114-19.01. Study and report on use of pseudoephedrine products to make methamphetamine.**

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, ~~the Legislative Commission on Methamphetamine Abuse,~~ and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

SECTION 1.31.(a) Part 2 of Article 1B of Chapter 130A of the General Statutes, G.S. 130A-33.40 and G.S. 130A-33.41, is repealed.

SECTION 1.31.(b) G.S. 143B-138.1 reads as rewritten:

"**§ 143B-138.1. Department of Health and Human Services – functions and organization.**

...

(d) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Environment, Health, and Natural Resources are transferred to and vested in the Department of Health and Human Services by a Type II transfer, as defined in G.S. 143A-6:

(1) Commission for Public Health.

(2) Council on Sickle Cell Syndrome.

~~(3) Governor's Council on Physical Fitness and Health.~~

(4) Commission of Anatomy.

(5) Minority Health Advisory Council.

(6) Advisory Committee on Cancer Coordination and Control.

...."

JOINT SELECT COMMITTEE ON LOW-LEVEL RADIOACTIVE WASTE

SECTION 1.32.(a) Article 12C of Chapter 120 of the General Statutes, G.S. 120-70.31 through G.S. 120-70.37, is repealed.

SECTION 1.32.(b) G.S. 120-70.43(a)(7) reads as rewritten:

"**§ 120-70.43. Powers and duties.**

(a) The Environmental Review Commission shall have the following powers and duties:

...

(7) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, or the Joint Legislative Utility Review Committee, ~~or the Joint Select Committee on Low-Level Radioactive Waste~~ and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate; provided that the Environmental Review Commission shall not undertake any study which the General Assembly has assigned to another legislative commission or committee.

...."

HEALTH INSURANCE INNOVATIONS COMMISSION

SECTION 1.34. Article 90 of Chapter 58 of the General Statutes, G.S. 58-90-1 through G.S. 58-90-25, is repealed.

BLUE RIBBON TASK FORCE ON THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES

SECTION 1.35.(a) Subsections (d) and (f) of Section 7 of S.L. 2009-16 read as rewritten:

"**SECTION 7.(d)** ~~Upon the convening of each session of the General Assembly, the Task Force shall report its findings and recommendations to the General Assembly, the Governor, and the Committee on Employee Hospital and Medical Benefits.~~The Task Force shall terminate on or before July 1, 2011.

"~~**SECTION 7.(f)** The Legislative Services Officer shall allocate from a portion of the funds appropriated to the General Assembly for each fiscal year for expenses of the Task Force.~~"

SECTION 1.35.(b) G.S. 135-44.4(31) reads as rewritten:

"(31) The Plan shall conduct a monthly review of Plan costs as compared to the same month in the immediately preceding year and a comparison of projected costs and savings to actual costs and savings. The Plan shall report the results of the review to the Committee on Employee Hospital and Medical Benefits ~~and the State Health Plan Blue Ribbon Task Force~~ at least semiannually."

HISTORIC SITES REPAIRS AND RENOVATIONS REVIEW COMMITTEE

SECTION 1.37. Section 29.3(b) of S.L. 1998-212 is repealed.

SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL

SECTION 1.38.(a) Part 15 of Article 7 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 1.38.(b) G.S. 143-215.3A reads as rewritten:

"**§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.**

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit

program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of ~~the Small Business Environmental Advisory Panel,~~ the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses.

...."

COMMITTEE ON STANDARDS AND ACCOUNTABILITY

SECTION 1.39. Subsection (c) of Section 8.27 of S.L. 1997-443 reads as rewritten:

"(c) The North Carolina Standards and Accountability Commission has completed its work and submitted a report to the State Board of Education. Therefore, effective August 1, 1997, Article 8A of Chapter 115C of the General Statutes is repealed.

~~Recognizing the important role of the Commission's work, there is established the Committee on Standards and Accountability. The Committee shall advise the State Board of Education on student performance standards. The Committee shall be composed of 13 members, nine appointed by the Governor, two appointed by the President Pro Tempore of the Senate, and two appointed by the Speaker of the House of Representatives. Of the Governor's nine appointments, one shall be for a chair of the Committee. The chair shall be a person in North Carolina who understands the connection of high and rigorous standards with student preparation for the world of work and other post-high school opportunities.~~"

NORTH CAROLINA TEACHER ACADEMY BOARD OF TRUSTEES

SECTION 1.40.(a) G.S. 115C-296.4 is repealed.

SECTION 1.40.(b) G.S. 120-123(63) is repealed.

SECTION 1.40.(c) G.S. 126-5(c1)(26) is repealed.

NORTH CAROLINA TEACHING FELLOWS COMMISSION

SECTION 1.41.(a) Effective July 1, 2015, Part 2 of Article 24C of Chapter 115C of the General Statutes, G.S. 115C-363.22 through G.S. 115C-363.23A, is repealed.

SECTION 1.41.(b) Effective July 1, 2015, G.S. 116-204 reads as rewritten:

"**§ 116-204. Powers of Authority.**

The Authority is hereby authorized and empowered:

...

~~(9) To collect loan repayments for loans awarded under the Teaching Fellows Program pursuant to G.S. 115C-363.23A if the loan repayment is outstanding for more than 30 days.~~

...."

SECTION 1.41.(c) Effective July 1, 2015, G.S. 120-123(45a) is repealed.

NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS COMMISSION

SECTION 1.42. G.S. 115C-295.1 and G.S. 115C-295.2 are repealed.

PART II. ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS

SECTION 2. For the following State boards, committees, and commissions where statutory requirements have been met, these bodies are no longer authorized to meet, provide recommendations, or operate in any capacity.

JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS

SECTION 2.1. The statutory requirements for the Joint Legislative Study Committee on Public School Funding Formulas, established by S.L. 2010-31, have been met.

HIGHER EDUCATION CIVIC EDUCATION STUDY COMMISSION

SECTION 2.2. The statutory requirements for the Higher Education Civic Education Study Commission, established by S.L. 2008-181, have been met.

JOINT LEGISLATIVE COMMITTEE ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION

SECTION 2.3. The statutory requirements of the Joint Legislative Committee on Dropout Prevention and High School Graduation, established by S.L. 2007-323, have been met.

ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE

SECTION 2.4. The statutory requirements of the Advisory Commission on Hospital Infection Control and Disclosure, established by S.L. 2007-480, have been met.

JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY

SECTION 2.5. The statutory requirements of the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery, established by S.L. 2008-181, have been met.

PARTITION SALES STUDY COMMITTEE

SECTION 2.6. The statutory requirements of the Partition Sales Study Committee, established by S.L. 2008-181, have been met.

NORTH CAROLINA NATIONAL GUARD PENSION FUND STUDY COMMITTEE

SECTION 2.7. The statutory requirements of the North Carolina National Guard Pension Fund Study Committee, established by S.L. 2008-181, have been met.

NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATIONAL ADVISORY COUNCIL

SECTION 2.8. The statutory requirements of the North Carolina Professional Employer Organizational Advisory Council, established by S.L. 2004-162, have been met.

LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE

SECTION 2.9. The statutory requirements of the Legislative Commission on Global Climate Change, established by S.L. 2005-442, have been met.

LEGISLATIVE STUDY COMMITTEE ON PUBLIC-PRIVATE PARTNERSHIPS

SECTION 2.10. The statutory requirements of the Legislative Study Committee on Public-Private Partnerships, established by S.L. 2010-152, have been met.

SENATE SELECT COMMITTEE ON GOVERNMENT AND ELECTION REFORM

SECTION 2.11. The statutory requirements of the Senate Select Committee on Government and Election Reform, established pursuant to G.S. 120-19.6, have been met.

JOINT SELECT COMMITTEE ON CAPITAL TRIAL, SENTENCING, AND POST-CONVICTION PROCEDURES FOR PERSONS WHO SUFFER SEVERE MENTAL DISABILITIES

SECTION 2.12. Joint Select Committee on Capital Trial, Sentencing, and Post-Conviction Procedures for Persons Who Suffer Severe Mental Disabilities, established pursuant to G.S. 120-19.6, have been met.

NORTH CAROLINA EDUCATION STANDARDS AND ACCOUNTABILITY COMMISSION

SECTION 2.13. The statutory requirements of the North Carolina Education Standards and Accountability Commission, established by Chapter 117 of the 1993 Session Laws, have been met.

STATE BOARD OF EDUCATION SELECTION COMMITTEE FOR A SUPERINTENDENT

SECTION 2.14. The statutory requirements of the State Board of Education Selection Committee for a Superintendent have been met.

ADVISORY COMMITTEE TO THE NORTH CAROLINA MEMBERS OF THE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT COMMISSION

SECTION 2.15. The statutory requirements of the Advisory Committee to the North Carolina Members of the Low-Level Radioactive Waste Management Compact Commission, established by Chapter 714 of the 1983 Session Laws, have been met.

STUDY COMMISSION ON NORTH CAROLINA'S ENERGY FUTURE

SECTION 2.16. The statutory requirements of the Study Commission on North Carolina's Energy Future, established by S.L. 2009-574, have been met.

LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE

SECTION 2.17. The statutory requirements of the Legislative Study Commission on Water and Wastewater Infrastructure, established by S.L. 2009-574, have been met.

PART III. CONFORMING CHANGES, EFFECT OF HEADINGS, EFFECTIVE DATE

SECTION 3.1. G.S. 115C-64.7 reads as rewritten:

"**§ 115C-64.7. Criteria for dropout prevention grants.**

The following criteria apply to all types of dropout prevention grants approved by the Committee:

(1) Grants shall be issued in varying amounts up to a maximum of one hundred seventy-five thousand dollars ($175,000).

(2) These grants shall be provided to innovative programs and initiatives that target students at risk of dropping out of school and that demonstrate the potential to (i) be developed into effective, sustainable, and coordinated dropout prevention and reentry programs in middle schools and high schools and (ii) serve as effective models for other programs.

(3) Grants shall be distributed geographically throughout the State and throughout the eight educational districts as defined in G.S. 115C-65. No

more than three grants shall be awarded in any one county under this section in a single fiscal year.

(4) Grants may be made to local school administrative units, schools, local agencies, or nonprofit organizations. Applications from nonprofits shall be subject to the additional fiscal accountability controls described in G.S. 115C-64.8.

(5) Grants shall be to programs and initiatives that hold all students to high academic and personal standards.

(6) Grant applications shall state (i) how grant funds will be used, (ii) what, if any, other resources will be used in conjunction with the grant funds, (iii) how the program or initiative will be coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community, and (iv) a process for evaluating the success of the program or initiative.

(7) Programs and initiatives that receive grants under this section shall be based on best practices for helping at-risk students achieve successful academic progress, preventing students from dropping out of school, or for increasing the high school completion rate for those students who already have dropped out of school.

(8) Priority for grants shall be given to proposals that (i) demonstrate input from the local community and coordination with other available programs or resources and (ii) provide clear plans for sustaining the program in future years when State funding will no longer be provided.

(9) Grantees shall assure their compliance with applicable laws and rules regulating conflicts of interest.

(10) Priority for grants shall be given to programs that would serve students in local schools that have a four-year cohort graduation rate of less than sixty-five percent (65%). The Committee shall establish a grant rating cutoff score at such a level as to allow for consideration of all viable grants in this priority category. The Committee may require grantees to provide supplemental information in response to any prior reviewer comments.

(11) Priority for grants shall be given to proposals demonstrating the potential for success.

(12) The demonstrated need for a grant, level of collaboration, ability to increase attendance, persistence, academic success, ability to increase parental involvement, and graduation shall be given more weight than the quality of the written grant.

(13) Grants shall be made no later than November 1, 2010 and subsequent years.

The Committee shall report to ~~the Joint Legislative Commission on Dropout Prevention and High School Graduation and~~ the Joint Legislative Education Oversight Committee on the grants awarded under this section by March 1, 2010 and annually thereafter."

SECTION 3.2. G.S. 115C-64.9 reads as rewritten:

"**§ 115C-64.9. Evaluation.**

The Committee shall evaluate the impact of the dropout prevention grants awarded under this Article. In evaluating the impact of the grants, the Committee shall consider:

(1) How grant funds were used, including the services provided for teen pregnancy prevention and for pregnant and parenting teens;

(2) The success of the program or initiative, as indicated by the evaluation process stated in its grant application;

(3) The extent to which the program or initiative has improved students' attendance, test scores, persistence, and graduation rates;

(4) How the program or initiative was coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community;
(5) What, if any, other resources were used in conjunction with the grant funds;
(6) The sustainability of the program;
(7) The number, gender, ethnicity, and grade level of students being served as well as whether the students left school due to pregnancy or parenting responsibilities;
(8) The potential for the program to serve as a model for achieving successful academic progress for at-risk students; and
(9) Other indicators of the impact of the grant on dropout prevention.

The recipients of the dropout prevention grants awarded under this section shall report to the Committee on Dropout Prevention by January 31, 2011, and annually thereafter. The reports shall provide information to assist the Committee in conducting its evaluation. The reports shall include a statement that the recipients used grant funds for the purposes appropriated by the General Assembly and complied with applicable laws, regulations, and terms and conditions of the grant documents. The Committee shall make an interim report of the results of its evaluation of the grants awarded under this section by March 31, 2011, to the ~~Joint Legislative Commission on Dropout Prevention and High School Graduation and to the~~ Joint Legislative Education Oversight Committee. The Committee shall make a final report of the results of its evaluation of the grants awarded under subsection (c) of this section by November 15, 2011, to ~~the Joint Legislative Commission on Dropout Prevention and High School Graduation and to~~ the Joint Legislative Education Oversight Committee."

SECTION 3.3.(a) Part 15 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 3.3.(b) G.S. 143-215.3A(b) reads as rewritten:

"**§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.**

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of ~~the Small Business Environmental Advisory Panel,~~ the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses."

SECTION 3.4. The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a part.

SECTION 3.5. The Revisor of Statutes shall, on or after the effective date of this act, correct any reference or citation in the General Statutes that is amended by this act by deleting the incorrect references and substituting correct references.

SECTION 3.6. The Office of the Governor, the Legislative Library, and all State agencies shall update databases related to State boards and commissions to reflect that the boards and commissions set out in this act have been abolished.

SECTION 3.7. The terms of the members currently serving on the boards set out in Part I of this act shall expire on the effective date of this act.

SECTION 3.8. Unless otherwise provided, this act becomes effective July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 593
Program Evaluation Committee Substitute Adopted 6/7/11
Third Edition Engrossed 6/9/11

Short Title: Government Reduction Act. (Public)

Sponsors:

Referred to:

April 14, 2011

A BILL TO BE ENTITLED

AN ACT REDUCING STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES.

The General Assembly of North Carolina enacts:

PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED CRITICAL

ADVISORY COMMITTEE ON ABANDONED CEMETERIES

SECTION 1.1. Part 26 of Chapter 143B of the General Statutes, G.S. 143B-128, is repealed.

ADVISORY COUNCIL FOR THE PUBLIC CAMPAIGN FINANCING FUND

SECTION 1.2.(a) G.S. 163-278.68 is repealed.

SECTION 1.2.(b) G.S. 163-278.63(c) reads as rewritten:

"**§ 163-278.63. North Carolina Public Campaign Fund established; sources of funding.**

...

(c) Determination of Fund Amount. – By October 1, 2003, and every two years thereafter, the ~~Board, in conjunction with the Advisory Council for the Public Campaign Financing Fund,~~Board shall prepare and provide to the Joint Legislative Commission on Governmental Operations of the General Assembly a report documenting, evaluating, and making recommendations relating to the administration, implementation, and enforcement of this Article. In its report, the Board shall set out the funds received to date and the expected needs of the Fund for the next election."

ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE

SECTION 1.3. Part 28 of Article 2 of Chapter 143B of the General Statutes, G.S. 143B-132, is repealed.

AQUACULTURE ADVISORY BOARD

SECTION 1.4. G.S. 106-760 is repealed.

BUTNER LANDS COMMISSION

SECTION 1.5. G.S. 122C-415 is repealed.

COORDINATION OF CHILDREN'S SERVICES STUDY COMMISSION

SECTION 1.6. Subsections (i) and (j) of Section 10.25 of S.L. 2005-276 are repealed.

GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH

SECTION 1.7. Part 17 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-414 through G.S. 143B-416, is repealed.

GOVERNOR'S BUSINESS COUNCIL ON THE ARTS AND HUMANITIES

SECTION 1.8. The Governor's Business Council on the Arts and Humanities is abolished.

INFORMATION TECHNOLOGY ADVISORY BOARD

SECTION 1.9.(a) G.S. 147-33.72G is repealed.

SECTION 1.9.(b) G.S. 147-33.72A(4) reads as rewritten:

"**§ 147-33.72A. Purpose.**

The purposes of this Article are to:

...

~~(4) Create an Information Technology Advisory Board.~~

...."

SECTION 1.9.(c) G.S. 147-33.72H reads as rewritten:

"**§ 147-33.72H. Information Technology Fund.**

There is established a special revenue fund to be known as the Information Technology Fund, which may receive transfers or other credits as authorized by the General Assembly. Money may be appropriated from the Information Technology Fund to meet statewide requirements, including planning, project management, security, electronic mail, State portal operations, and the administration of systemwide procurement procedures. Expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund shall be made by the ~~State CIO in consultation with the Information Technology Advisory Board.~~CIO. By October 1 of each year, the State CIO shall submit to the Joint Legislative Oversight Committee on Information Technology a report on all expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund for the preceding fiscal year. Interest earnings on the Information Technology Fund balance shall be credited to the Information Technology Fund."

SECTION 1.9.(d) G.S. 147-33.82(a)(3) reads as rewritten:

"**§ 147-33.82. Functions of the Office of Information Technology Services.**

(a) In addition to any other functions required by this Article, the Office of Information Technology Services shall:

...

(3) Conduct an annual assessment of State agencies for compliance with statewide policies for information ~~technology and submit for review of the Information Technology Advisory Board recommended statewide policies for information~~ technology.

...."

SECTION 1.9.(e) G.S. 147-33.110 reads as rewritten:

"**§ 147-33.110. Statewide security standards.**

The State Chief Information Officer shall establish a statewide set of standards for information technology security to maximize the functionality, security, and interoperability of the State's distributed information technology assets, including communications and encryption technologies. The State CIO shall review and revise the security standards annually. As part of

this function, the State Chief Information Officer shall review periodically existing security standards and practices in place among the various State agencies to determine whether those standards and practices meet statewide security and encryption requirements. The State Chief Information Officer may assume the direct responsibility of providing for the information technology security of any State agency that fails to adhere to security standards adopted under this Article. ~~Any actions taken by the State Chief Information Officer under this section shall be reported to the Information Technology Advisory Board at its next scheduled meeting.~~"

LEGISLATIVE INTERN PROGRAM COUNCIL

SECTION 1.10. G.S. 120-56 is repealed.

NORTH CAROLINA CAPITAL PLANNING COMMISSION

SECTION 1.11.(a) Part 3 of Article 9 of Chapter 143B of the General Statutes, being G.S. 143B-373 and G.S. 143B-374, is repealed.

SECTION 1.11.(b) G.S. 140-5.14(12) reads as rewritten:

"**§ 140-5.14. Board of Trustees – powers and duties.**

The Board of Trustees shall be the governing body of the North Carolina Museum of Art and shall have the following powers and duties:

...

(12) To determine the sites for expansion of the North Carolina Museum of Art with the approval of the Governor and Council of ~~State and the North Carolina State Capital Planning Commission;~~State;

...."

NORTH CAROLINA LOCAL GOVERNMENT ADVOCACY COUNCIL

SECTION 1.12. G.S. 143-506.14 is repealed.

NORTH CAROLINA PUBLIC RADIO ADVISORY COMMITTEE – AGENCY ON PUBLIC TELECOMMUNICATIONS

SECTION 1.13.(a) G.S. 143B-426.12 is repealed.

SECTION 1.13.(b) G.S. 143B-426.9 reads as rewritten:

"**§ 143B-426.9. North Carolina Agency for Public Telecommunications – Creation; membership; appointments, terms and vacancies; officers; meetings and quorum; compensation.**

The North Carolina Agency for Public Telecommunications is created. It is governed by the Board of Public Telecommunications Commissioners, composed of ~~27~~26 members as follows:

(1) A Chairman appointed by, and serving at the pleasure of, the Governor;
(2) Ten at-large members, appointed by the Governor from the general public;
(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;
(4) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;
(5) The Secretary of Administration, ex officio;
(6) The Chairman of the Board of Trustees of The University of North Carolina Center for Public Television (if and when established), ex officio;
(7) The Chairman of the State Board of Education, ex officio;
(8) The Chairman of the OPEN/net Committee, ex officio, so long as such person is not a State employee;
(9) The Chairman of the North Carolina Utilities Commission, ex officio;

(10) The Director of the Public Staff of the North Carolina Utilities Commission, ex officio;

~~(11) The Chairman of the Public Radio Advisory Committee of the North Carolina Agency for Public Telecommunications, ex officio;~~

(12) The Superintendent of Public Instruction, ex officio;

(13) The President of the University of North Carolina, ex officio;

(14) The President of the Community Colleges System, ex officio; and

(15) Two members ex officio who shall rotate from among the remaining heads of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by the Governor.

The 10 at-large members shall serve for terms staggered as follows: four terms shall expire on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on June 30, 1984. Thereafter, the members at large shall be appointed for full four-year terms and until their successors are appointed and qualified. In making appointments of members at large, the Governor shall seek to appoint persons from the various geographic areas of the State including both urban and rural areas; persons from various classifications as to sex, race, age, and handicapped persons; and persons who are representatives of the public broadcast, commercial broadcast, nonbroadcast distributive systems and private education communities of the State.

The terms of the ex officio members are coterminous with their respective terms of office. In the event that any of the offices represented on the Board ceases to exist, the successor officer to the designated member shall become an ex officio member of the Board; if there shall be no successor, then the position on the Board shall be filled by a member to be appointed by the Governor from the general public. The ex officio members shall have the right to vote.

The initial members appointed to the Board by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years.

The terms of the rotating ex officio members shall be of one-year duration, and the schedule of rotation is determined by the Governor.

Each State official who serves on the Board may designate a representative of his department, agency or institution to sit in his place on the Board and to exercise fully the official's privileges of membership.

The Secretary of Administration or his designee serves as secretary of the Board.

Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the original appointment.

The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.

The Board meets quarterly and at other times at the call of the chairman or upon written request of at least six members.

A majority of the Board members shall constitute a quorum for the transaction of business."

NORTH CAROLINA RAIL COUNCIL

SECTION 1.14. Part 9 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-361 through G.S. 143B-363, is repealed.

PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE

SECTION 1.15. G.S. 120-70.108 is repealed.

PUBLIC HEALTH STUDY COMMISSION

SECTION 1.16.(a) Article 22 of Chapter 120 of the General Statutes, G.S. 120-195 through G.S. 120-203, is repealed.

SECTION 1.16.(b) G.S. 130A-40.1(b) reads as rewritten:

"**§ 130A-40.1. Pilot program for nurse as health director.**

...

(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. ~~The Secretary of Health and Human Services shall report any approval under this section to the Public Health Study Commission.~~"

SUBSTANCE ABUSE ADVISORY COUNCIL

SECTION 1.17.(a) Part 5 of Article 6A of Chapter 143B of the General Statutes, G.S. 143B-270 and G.S. 143B-271, is repealed.

SECTION 1.17.(b) G.S. 148-19(d) reads as rewritten:

"**§ 148-19. Health services.**

...

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Department of Correction. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Correction an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within the Department of Health and Human Services to monitor the implementation by the Department of Correction of these standards and of substance abuse standards adopted by the Department of ~~Correction upon the advice of the Substance Abuse Advisory Council established pursuant to G.S. 143B-270.~~Correction. The Secretary of Health and Human Services shall send a written report on the progress which the Department of Correction has made on the implementation of such standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such reports shall be made on an annual basis beginning January 1, 1978."

TASK FORCE ON SCHOOL-BASED MANAGEMENT

SECTION 1.18. G.S. 115C-105.31 is repealed.

TASK FORCE ON THE COORDINATION OF CHILDREN'S SERVICES

SECTION 1.19.(a) G.S. 120-221 is repealed.

SECTION 1.19.(b) G.S. 120-217(c) reads as rewritten:

"**§ 120-217. Commission membership; terms; compensation.**

...

(c) Commission members shall receive no salary as a result of serving on the Commission ~~and the Task Force on the Coordination of Children's Services~~ but shall receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable."

SECTION 1.19.(c) G.S. 120-218(c) reads as rewritten:

"**§ 120-218. Commission meetings; public hearings; staff.**

...

(c) The Commission may contract for clerical or professional staff or for any other services it may require in the course of its ongoing study. At the request of the Commission, the Legislative Services Commission may supply members of the staff of the Legislative Services Office and clerical assistance to the Commission as the Legislative Services Commission

considers appropriate. The Commission ~~and the Task Force on the Coordination of Children's Services~~ may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building."

SECTION 1.19.(d) G.S. 120-220 reads as rewritten:

"**§ 120-220. Commission authority.**

The Commission ~~and the Task Force on the Coordination of Children's Services~~ has the authority to obtain information and data from all State officers, agents, agencies, and departments, while in discharge of its duties, pursuant to G.S. 120-19, as if it were a committee of the General Assembly."

PETROLEUM UNDERGROUND STORAGE TANK FUND COUNCIL

SECTION 1.20.(a) G.S. 143-215.94O is repealed.

SECTION 1.20.(b) G.S. 143-215.94A reads as rewritten:

"**§ 143-215.94A. Definitions.**

Unless a different meaning is required by the context, the following definitions shall apply throughout this Part and Part 2B of this Article:

...

~~(3) "Council" means the North Carolina Petroleum Underground Storage Tank Funds Council.~~

...."

SECTION 1.20.(c) G.S. 143-215.94I reads as rewritten:

"**§ 143-215.94I. Insurance pools authorized; requirements.**

...

(l) The Department of Insurance, in consultation with ~~the Petroleum Underground Storage Tank Funds Council and~~ the Department of Environment and Natural Resources, shall provide guidance and technical assistance for the formation of an insurance pool pursuant to G.S. 143-215.94I to any responsible entity that requests assistance."

NORTH CAROLINA AERONAUTICS COUNCIL

SECTION 1.21.(a) G.S. 143B-356 and G.S. 143B-357 are repealed.

SECTION 1.21.(b) The title of Part 5 of Article 8 of Chapter 143B of the General Statutes reads as rewritten:

"Part 5. Division of ~~Aeronautics – Aeronautics Council.~~Aeronautics."

SECTION 1.21.(c) G.S. 63-66 reads as rewritten:

"**§ 63-66. Administration of Article; powers of Department of Transportation.**

The Department of Transportation shall carry out the provisions of this Article. In exercising such power, the Department shall:

(1) Promote the further development and improvement of air routes, airport facilities, seaplane bases, heliports, protect their approaches and stimulate the development of aviation, commerce and air facilities. In exercising this power, the Department shall prepare and develop goals, objectives, standards and policies for the most efficient and economical expenditure of State funds as may be appropriated for the purposes of this Article.

(2) Publish and make available to aviation interests, the Federal Aviation Administration, and the people of the State generally, current information regarding such criteria, standards, and policies.

(3) Prepare and keep current a State airport plan and submit annual revisions of that plan to the Federal Aviation Administration.

(4) Make a detailed and thorough study of all applications for State assistance authorized herein and make specific recommendations regarding applications to the Federal Aviation Administration for federal grants.

(5) Develop a plan of priorities and allocations of State funds to be revised annually.

(6) Represent the State before all federal agencies and elsewhere where the aviation interests of the State may be affected.

(7) Subject to the availability of funds for the purpose, promote aviation safety throughout the State and conduct such promotional, educational and other programs as may be necessary to keep the people of the State properly informed with respect to aviation and to further aeronautics generally throughout the State.

~~In exercising the powers and performing the duties herein provided for by this section, the Department of Transportation shall consult with and seek the advice of the aeronautics council.~~"

FUTURE OF THE NORTH CAROLINA RAILROAD STUDY

SECTION 1.22. Article 28 of Chapter 120 of the General Statutes, G.S. 120-245 through G.S. 120-255, is repealed.

LEGISLATIVE SERVICES COMMISSION SUBCOMMITTEE ON EXPENDITURE MODEL

SECTION 1.23. Sections 7.1 and 7.2 of Chapter 17 of the 1995 Session Laws, Second Extra Session 1996, are repealed.

NORTH CAROLINA PUBLIC EMPLOYEE SPECIAL PAY PLAN BOARD OF TRUSTEES

SECTION 1.24. Part 29 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.41, is repealed.

ROANOKE RIVER BASIN ADVISORY COMMITTEE

SECTION 1.25.(a) Part 2 of Article 7 of Chapter 77 of the General Statutes, G.S. 77-103 through G.S. 77-109, is repealed.

SECTION 1.25.(b) The title of Article 7 of Chapter 77 of the General Statutes reads as rewritten:

"Article 7.

Roanoke River Basin Bi-State ~~Commission; Roanoke River Basin Advisory Committee.~~Commission.

Part 1. Roanoke River Basin Bi-State Commission."

NORTH CAROLINA SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AGENCY – TRANSFER DUTIES AND FUNCTIONS TO THE CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

SECTION 1.26.(a) G.S. 159I-3 reads as rewritten:

"**§ 159I-3. Definitions.**

(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this Chapter:

~~(1) "Administrative charges" means any charge made by the Agency to a unit of local government for the providing of financing pursuant to this Chapter and may include, without limitation, charges for financing costs, charges for the costs of bond and reserve fund insurance, of credit enhancement and liquidity facilities, and of interest rate agreements, charges in respect of nonasset bond and investment income deficiencies, and charges for~~

~~administrative expenses of the Agency incurred in the exercise of its powers and duties conferred by this Chapter.~~

~~(2) "Agency" means the North Carolina Solid Waste Management Capital Projects Financing Agency.~~

(3) "Board" means the ~~board of directors of the Agency or any other governing body of the Agency succeeding to the principal functions of the Agency.~~ Clean Water Management Trust Fund Board of Trustees.

(4) "Bonds" means the revenue bonds authorized to be issued by the ~~Agency~~ Board under this Chapter. As used in this Chapter, the term "bonds" does not include any loan agreement.

(5) "Costs" means the capital cost of acquiring or constructing any project, including, without limitation, the following:

a. The costs of doing any or all of the following deemed necessary or convenient by a unit of local government:
   1. Acquiring, constructing, erecting, providing, developing, installing, furnishing, and equipping;
   2. Reconstructing, remodeling, altering, renovating, replacing, refurnishing, and re-equipping;
   3. Enlarging, expanding, and extending; and
   4. Demolishing, relocating, improving, grading, draining, landscaping, paving, widening, and resurfacing.

b. The costs of all property, both real and personal and both improved and unimproved, and of plants, works, appurtenances, structures, facilities, furnishings, machinery, equipment, vehicles, easements, water rights, air rights, franchises, and licenses used or useful in connection with the purpose authorized;

c. The costs of demolishing or moving structures from land acquired and acquiring any lands to which such structures thereafter are to be moved;

d. Financing charges, including estimated interest during the acquisition or construction of such project and for six months thereafter;

e. The costs of services to provide and the cost of plans, specifications, studies and reports, surveys, and estimates of costs and revenues;

f. The costs of paying any interim financing, including principal, interest, and premium, related to the acquisition or construction of a project;

g. Administrative and legal expenses and administrative charges;

h. The costs of obtaining bond and reserve fund insurance and investment contracts, of credit-enhancement facilities, liquidity facilities and interest-rate agreements, and of establishing and maintaining debt service and other reserves; and

i. Any other services, costs, and expenses necessary or incidental to the purpose authorized.

(6) "Division" means the Division of Waste Management of the Department of Environment and Natural Resources and any successor of the Division of Waste Management.

(7) "Loan" means moneys loaned by the ~~Agency~~ Board to a unit of local government for a project authorized by this Chapter.

(8) "Loan agreement" means any bond, note, contract, loan agreement, or other written agreement of a unit of local government delivered to the Agency and evidencing the unit's receipt of loan proceeds from the sale of all or a portion

of the Agency's bonds or from other available money of the Agency and setting forth the terms of the unit's agreement to make payments to the ~~Agency~~ Board in respect of such loan.

(9) "Local Government Commission" means the Local Government Commission of the Department of the State Treasurer, established by Article 2 of Chapter 159 of the General Statutes and any successor of said Commission.

(10) "Notes" means the revenue notes or revenue bond anticipation notes authorized to be issued by the ~~Agency~~ Board under this Chapter. As used in this Chapter, the term "notes" does not include any loan agreement.

(11) "Project" means any capital project authorized to be financed in G.S. 159I-8.

(12) "Revenues" means all moneys received by the Agency, other than the proceeds received by the ~~Agency~~ Board from the sale of bonds or notes and moneys appropriated by the State for the Solid Waste Management Loan Fund, in connection with the providing of financing to units of local government, including without limitation:

a. The payments received by the ~~Agency~~ Board of the principal of and premium, if any, and interest on loan agreements;

b. Administrative charges, but only to the extent determined by the ~~Agency;~~Board; and

c. Investment earnings on all revenues, funds, and other moneys of the ~~Agency.~~Board.

(13) "Unit of local government" or "unit" means:

a. A unit of local government as defined in G.S. 159-44(4);

b. Any combination of units, as defined in G.S. 160A-460(2), entering into a contract or agreement with each other under G.S. 160A-461;

c. Any joint agency established under G.S. 160A-462; as any such section may be amended from time to time;

d. Any regional solid waste management authority created pursuant to G.S. 153A-421; or

e. A consolidated city-county as defined by G.S. 160B-2(1), including such a consolidated city-county acting with respect to an urban service district defined by a consolidated city-county.

(b) Unless a different meaning is required by the context, the definitions set out in G.S. 130A-290, as such section may be amended from time to time, shall apply throughout this Chapter."

SECTION 1.26.(b) G.S. 159I-4 is repealed.

SECTION 1.26.(c) The Revisor of Statutes is authorized to change the word "Agency" to the word "Board" where it appears in Chapter 159I of the General Statutes.

NORTH CAROLINA BICYCLE COMMITTEE

SECTION 1.27. G.S. 136-71.13 is repealed.

JOINT LEGISLATIVE COMMISSION ON FUTURE STRATEGIES FOR NORTH CAROLINA

SECTION 1.28.(a) Article 13B of Chapter 120 of the General Statutes, G.S. 120-84.6 through G.S. 120-84.12, is repealed.

SECTION 1.28.(b) G.S. 143-318.14A reads as rewritten:

"**§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without

limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

...

~~(12) The Joint Legislative Commission on Future Strategies for North Carolina;~~

...."

JOINT BROADBAND TASK FORCE

SECTION 1.29. Section 6.18(e) of S.L. 2010-31 reads as rewritten:

"**SECTION 6.18.(e)** Beginning December 1, 2010, the Task Force shall provide quarterly reports to the Joint Legislative Oversight Committee on Information Technology and shall terminate upon filing its final ~~report.~~ report on or before July 1, 2011."

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 1.30.(a) Article 25 of Chapter 120 of the General Statutes, G.S. 120-226, is repealed.

SECTION 1.30.(b) G.S. 114-19.01 reads as rewritten:

"**§ 114-19.01. Study and report on use of pseudoephedrine products to make methamphetamine.**

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, ~~the Legislative Commission on Methamphetamine Abuse,~~ and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

SECTION 1.31.(a) Part 2 of Article 1B of Chapter 130A of the General Statutes, G.S. 130A-33.40 and G.S. 130A-33.41, is repealed.

SECTION 1.31.(b) G.S. 143B-138.1 reads as rewritten:

"**§ 143B-138.1. Department of Health and Human Services – functions and organization.**

...

(d) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Environment, Health, and Natural Resources are transferred to and vested in the Department of Health and Human Services by a Type II transfer, as defined in G.S. 143A-6:

(1) Commission for Public Health.

(2) Council on Sickle Cell Syndrome.

~~(3) Governor's Council on Physical Fitness and Health.~~

(4) Commission of Anatomy.

(5) Minority Health Advisory Council.

(6) Advisory Committee on Cancer Coordination and Control.

...."

JOINT SELECT COMMITTEE ON LOW-LEVEL RADIOACTIVE WASTE

SECTION 1.32.(a) Article 12C of Chapter 120 of the General Statutes, G.S. 120-70.31 through G.S. 120-70.37, is repealed.

SECTION 1.32.(b) G.S. 120-70.43(a)(7) reads as rewritten:

"**§ 120-70.43. Powers and duties.**

(a) The Environmental Review Commission shall have the following powers and duties:

...

(7) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, or the Joint Legislative Utility Review Committee, ~~or the Joint Select Committee on Low Level Radioactive Waste~~ and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate; provided that the Environmental Review Commission shall not undertake any study which the General Assembly has assigned to another legislative commission or committee.

...."

HEALTH INSURANCE INNOVATIONS COMMISSION

SECTION 1.34. Article 90 of Chapter 58 of the General Statutes, G.S. 58-90-1 through G.S. 58-90-25, is repealed.

BLUE RIBBON TASK FORCE ON THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES

SECTION 1.35.(a) Subsections (d) and (f) of Section 7 of S.L. 2009-16 read as rewritten:

"**SECTION 7.(d)** ~~Upon the convening of each session of the General Assembly, the Task Force shall report its findings and recommendations to the General Assembly, the Governor, and the Committee on Employee Hospital and Medical Benefits.~~The Task Force shall terminate on or before July 1, 2011.

"~~**SECTION 7.(f)** The Legislative Services Officer shall allocate from a portion of the funds appropriated to the General Assembly for each fiscal year for expenses of the Task Force.~~"

SECTION 1.35.(b) G.S. 135-44.4(31) reads as rewritten:

"(31) The Plan shall conduct a monthly review of Plan costs as compared to the same month in the immediately preceding year and a comparison of projected costs and savings to actual costs and savings. The Plan shall report the results of the review to the Committee on Employee Hospital and Medical Benefits ~~and the State Health Plan Blue Ribbon Task Force~~ at least semiannually."

HISTORIC SITES REPAIRS AND RENOVATIONS REVIEW COMMITTEE

SECTION 1.37. Section 29.3(b) of S.L. 1998-212 is repealed.

SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL

SECTION 1.38.(a) Part 15 of Article 7 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 1.38.(b) G.S. 143-215.3A reads as rewritten:

"**§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.**

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit

program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of ~~the Small Business Environmental Advisory Panel,~~ the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses.

...."

COMMITTEE ON STANDARDS AND ACCOUNTABILITY

SECTION 1.39. Subsection (c) of Section 8.27 of S.L. 1997-443 reads as rewritten:

"(c) The North Carolina Standards and Accountability Commission has completed its work and submitted a report to the State Board of Education. Therefore, effective August 1, 1997, Article 8A of Chapter 115C of the General Statutes is repealed.

~~Recognizing the important role of the Commission's work, there is established the Committee on Standards and Accountability. The Committee shall advise the State Board of Education on student performance standards. The Committee shall be composed of 13 members, nine appointed by the Governor, two appointed by the President Pro Tempore of the Senate, and two appointed by the Speaker of the House of Representatives. Of the Governor's nine appointments, one shall be for a chair of the Committee. The chair shall be a person in North Carolina who understands the connection of high and rigorous standards with student preparation for the world of work and other post-high school opportunities.~~"

NORTH CAROLINA TEACHER ACADEMY BOARD OF TRUSTEES

SECTION 1.40.(a) G.S. 115C-296.4 is repealed.

SECTION 1.40.(b) G.S. 120-123(63) is repealed.

SECTION 1.40.(c) G.S. 126-5(c1)(26) is repealed.

NORTH CAROLINA TEACHING FELLOWS COMMISSION

SECTION 1.41.(a) Effective July 1, 2015, Part 2 of Article 24C of Chapter 115C of the General Statutes, G.S. 115C-363.22 through G.S. 115C-363.23A, is repealed.

SECTION 1.41.(b) Effective July 1, 2015, G.S. 116-204 reads as rewritten:

"**§ 116-204. Powers of Authority.**

The Authority is hereby authorized and empowered:

...

~~(9) To collect loan repayments for loans awarded under the Teaching Fellows Program pursuant to G.S. 115C-363.23A if the loan repayment is outstanding for more than 30 days.~~

...."

SECTION 1.41.(c) Effective July 1, 2015, G.S. 120-123(45a) is repealed.

NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS COMMISSION

SECTION 1.42. G.S. 115C-295.1 and G.S. 115C-295.2 are repealed.

PART II. ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS

SECTION 2. For the following State boards, committees, and commissions where statutory requirements have been met, these bodies are no longer authorized to meet, provide recommendations, or operate in any capacity.

JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS

SECTION 2.1. The statutory requirements for the Joint Legislative Study Committee on Public School Funding Formulas, established by S.L. 2010-31, have been met.

HIGHER EDUCATION CIVIC EDUCATION STUDY COMMISSION

SECTION 2.2. The statutory requirements for the Higher Education Civic Education Study Commission, established by S.L. 2008-181, have been met.

JOINT LEGISLATIVE COMMITTEE ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION

SECTION 2.3. The statutory requirements of the Joint Legislative Committee on Dropout Prevention and High School Graduation, established by S.L. 2007-323, have been met.

ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE

SECTION 2.4. The statutory requirements of the Advisory Commission on Hospital Infection Control and Disclosure, established by S.L. 2007-480, have been met.

JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY

SECTION 2.5. The statutory requirements of the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery, established by S.L. 2008-181, have been met.

PARTITION SALES STUDY COMMITTEE

SECTION 2.6. The statutory requirements of the Partition Sales Study Committee, established by S.L. 2008-181, have been met.

NORTH CAROLINA NATIONAL GUARD PENSION FUND STUDY COMMITTEE

SECTION 2.7. The statutory requirements of the North Carolina National Guard Pension Fund Study Committee, established by S.L. 2008-181, have been met.

NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATIONAL ADVISORY COUNCIL

SECTION 2.8. The statutory requirements of the North Carolina Professional Employer Organizational Advisory Council, established by S.L. 2004-162, have been met.

LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE

SECTION 2.9. The statutory requirements of the Legislative Commission on Global Climate Change, established by S.L. 2005-442, have been met.

LEGISLATIVE STUDY COMMITTEE ON PUBLIC-PRIVATE PARTNERSHIPS

SECTION 2.10. The statutory requirements of the Legislative Study Committee on Public-Private Partnerships, established by S.L. 2010-152, have been met.

SENATE SELECT COMMITTEE ON GOVERNMENT AND ELECTION REFORM

SECTION 2.11. The statutory requirements of the Senate Select Committee on Government and Election Reform, established pursuant to G.S. 120-19.6, have been met.

JOINT SELECT COMMITTEE ON CAPITAL TRIAL, SENTENCING, AND POST-CONVICTION PROCEDURES FOR PERSONS WHO SUFFER SEVERE MENTAL DISABILITIES

SECTION 2.12. Joint Select Committee on Capital Trial, Sentencing, and Post-Conviction Procedures for Persons Who Suffer Severe Mental Disabilities, established pursuant to G.S. 120-19.6, have been met.

NORTH CAROLINA EDUCATION STANDARDS AND ACCOUNTABILITY COMMISSION

SECTION 2.13. The statutory requirements of the North Carolina Education Standards and Accountability Commission, established by Chapter 117 of the 1993 Session Laws, have been met.

STATE BOARD OF EDUCATION SELECTION COMMITTEE FOR A SUPERINTENDENT

SECTION 2.14. The statutory requirements of the State Board of Education Selection Committee for a Superintendent have been met.

ADVISORY COMMITTEE TO THE NORTH CAROLINA MEMBERS OF THE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT COMMISSION

SECTION 2.15. The statutory requirements of the Advisory Committee to the North Carolina Members of the Low-Level Radioactive Waste Management Compact Commission, established by Chapter 714 of the 1983 Session Laws, have been met.

STUDY COMMISSION ON NORTH CAROLINA'S ENERGY FUTURE

SECTION 2.16. The statutory requirements of the Study Commission on North Carolina's Energy Future, established by S.L. 2009-574, have been met.

LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE

SECTION 2.17. The statutory requirements of the Legislative Study Commission on Water and Wastewater Infrastructure, established by S.L. 2009-574, have been met.

PART III. CONFORMING CHANGES, EFFECT OF HEADINGS, EFFECTIVE DATE

SECTION 3.1. G.S. 115C-64.7 reads as rewritten:

"**§ 115C-64.7. Criteria for dropout prevention grants.**

The following criteria apply to all types of dropout prevention grants approved by the Committee:

(1) Grants shall be issued in varying amounts up to a maximum of one hundred seventy-five thousand dollars ($175,000).

(2) These grants shall be provided to innovative programs and initiatives that target students at risk of dropping out of school and that demonstrate the potential to (i) be developed into effective, sustainable, and coordinated dropout prevention and reentry programs in middle schools and high schools and (ii) serve as effective models for other programs.

(3) Grants shall be distributed geographically throughout the State and throughout the eight educational districts as defined in G.S. 115C-65. No

more than three grants shall be awarded in any one county under this section in a single fiscal year.

(4) Grants may be made to local school administrative units, schools, local agencies, or nonprofit organizations. Applications from nonprofits shall be subject to the additional fiscal accountability controls described in G.S. 115C-64.8.

(5) Grants shall be to programs and initiatives that hold all students to high academic and personal standards.

(6) Grant applications shall state (i) how grant funds will be used, (ii) what, if any, other resources will be used in conjunction with the grant funds, (iii) how the program or initiative will be coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community, and (iv) a process for evaluating the success of the program or initiative.

(7) Programs and initiatives that receive grants under this section shall be based on best practices for helping at-risk students achieve successful academic progress, preventing students from dropping out of school, or for increasing the high school completion rate for those students who already have dropped out of school.

(8) Priority for grants shall be given to proposals that (i) demonstrate input from the local community and coordination with other available programs or resources and (ii) provide clear plans for sustaining the program in future years when State funding will no longer be provided.

(9) Grantees shall assure their compliance with applicable laws and rules regulating conflicts of interest.

(10) Priority for grants shall be given to programs that would serve students in local schools that have a four-year cohort graduation rate of less than sixty-five percent (65%). The Committee shall establish a grant rating cutoff score at such a level as to allow for consideration of all viable grants in this priority category. The Committee may require grantees to provide supplemental information in response to any prior reviewer comments.

(11) Priority for grants shall be given to proposals demonstrating the potential for success.

(12) The demonstrated need for a grant, level of collaboration, ability to increase attendance, persistence, academic success, ability to increase parental involvement, and graduation shall be given more weight than the quality of the written grant.

(13) Grants shall be made no later than November 1, 2010 and subsequent years.

The Committee shall report to ~~the Joint Legislative Commission on Dropout Prevention and High School Graduation and~~ the Joint Legislative Education Oversight Committee on the grants awarded under this section by March 1, 2010 and annually thereafter."

SECTION 3.2. G.S. 115C-64.9 reads as rewritten:

"**§ 115C-64.9. Evaluation.**

The Committee shall evaluate the impact of the dropout prevention grants awarded under this Article. In evaluating the impact of the grants, the Committee shall consider:

(1) How grant funds were used, including the services provided for teen pregnancy prevention and for pregnant and parenting teens;

(2) The success of the program or initiative, as indicated by the evaluation process stated in its grant application;

(3) The extent to which the program or initiative has improved students' attendance, test scores, persistence, and graduation rates;

(4) How the program or initiative was coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community;
(5) What, if any, other resources were used in conjunction with the grant funds;
(6) The sustainability of the program;
(7) The number, gender, ethnicity, and grade level of students being served as well as whether the students left school due to pregnancy or parenting responsibilities;
(8) The potential for the program to serve as a model for achieving successful academic progress for at-risk students; and
(9) Other indicators of the impact of the grant on dropout prevention.

The recipients of the dropout prevention grants awarded under this section shall report to the Committee on Dropout Prevention by January 31, 2011, and annually thereafter. The reports shall provide information to assist the Committee in conducting its evaluation. The reports shall include a statement that the recipients used grant funds for the purposes appropriated by the General Assembly and complied with applicable laws, regulations, and terms and conditions of the grant documents. The Committee shall make an interim report of the results of its evaluation of the grants awarded under this section by March 31, 2011, to the ~~Joint Legislative Commission on Dropout Prevention and High School Graduation and to the~~ Joint Legislative Education Oversight Committee. The Committee shall make a final report of the results of its evaluation of the grants awarded under subsection (c) of this section by November 15, 2011, to ~~the Joint Legislative Commission on Dropout Prevention and High School Graduation and to~~ the Joint Legislative Education Oversight Committee."

SECTION 3.3.(a) Part 15 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 3.3.(b) G.S. 143-215.3A(b) reads as rewritten:

"**§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.**

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of ~~the Small Business Environmental Advisory Panel,~~ the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses."

SECTION 3.4. The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a part.

SECTION 3.5. The Revisor of Statutes shall, on or after the effective date of this act, correct any reference or citation in the General Statutes that is amended by this act by deleting the incorrect references and substituting correct references.

SECTION 3.6. The Office of the Governor, the Legislative Library, and all State agencies shall update databases related to State boards and commissions to reflect that the boards and commissions set out in this act have been abolished.

SECTION 3.7. The terms of the members currently serving on the boards set out in Part I of this act shall expire on the effective date of this act.

SECTION 3.8. Unless otherwise provided, this act becomes effective July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 593
Program Evaluation Committee Substitute Adopted 6/7/11
Third Edition Engrossed 6/9/11

Short Title: Government Reduction Act. (Public)

Sponsors:

Referred to:

April 14, 2011

A BILL TO BE ENTITLED

AN ACT REDUCING STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES.

The General Assembly of North Carolina enacts:

PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED CRITICAL

ADVISORY COMMITTEE ON ABANDONED CEMETERIES

SECTION 1.1. Part 26 of Chapter 143B of the General Statutes, G.S. 143B-128, is repealed.

ADVISORY COUNCIL FOR THE PUBLIC CAMPAIGN FINANCING FUND

SECTION 1.2.(a) G.S. 163-278.68 is repealed.

SECTION 1.2.(b) G.S. 163-278.63(c) reads as rewritten:

"**§ 163-278.63. North Carolina Public Campaign Fund established; sources of funding.**

...

(c) Determination of Fund Amount. – By October 1, 2003, and every two years thereafter, the ~~Board, in conjunction with the Advisory Council for the Public Campaign Financing Fund,~~Board shall prepare and provide to the Joint Legislative Commission on Governmental Operations of the General Assembly a report documenting, evaluating, and making recommendations relating to the administration, implementation, and enforcement of this Article. In its report, the Board shall set out the funds received to date and the expected needs of the Fund for the next election."

ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE

SECTION 1.3. Part 28 of Article 2 of Chapter 143B of the General Statutes, G.S. 143B-132, is repealed.

AQUACULTURE ADVISORY BOARD

SECTION 1.4. G.S. 106-760 is repealed.

BUTNER LANDS COMMISSION

SECTION 1.5. G.S. 122C-415 is repealed.

COORDINATION OF CHILDREN'S SERVICES STUDY COMMISSION

SECTION 1.6. Subsections (i) and (j) of Section 10.25 of S.L. 2005-276 are repealed.

GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH

SECTION 1.7. Part 17 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-414 through G.S. 143B-416, is repealed.

GOVERNOR'S BUSINESS COUNCIL ON THE ARTS AND HUMANITIES

SECTION 1.8. The Governor's Business Council on the Arts and Humanities is abolished.

INFORMATION TECHNOLOGY ADVISORY BOARD

SECTION 1.9.(a) G.S. 147-33.72G is repealed.

SECTION 1.9.(b) G.S. 147-33.72A(4) reads as rewritten:

"**§ 147-33.72A. Purpose.**

The purposes of this Article are to:

...

~~(4) Create an Information Technology Advisory Board.~~

...."

SECTION 1.9.(c) G.S. 147-33.72H reads as rewritten:

"**§ 147-33.72H. Information Technology Fund.**

There is established a special revenue fund to be known as the Information Technology Fund, which may receive transfers or other credits as authorized by the General Assembly. Money may be appropriated from the Information Technology Fund to meet statewide requirements, including planning, project management, security, electronic mail, State portal operations, and the administration of systemwide procurement procedures. Expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund shall be made by the ~~State CIO in consultation with the Information Technology Advisory Board.~~CIO. By October 1 of each year, the State CIO shall submit to the Joint Legislative Oversight Committee on Information Technology a report on all expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund for the preceding fiscal year. Interest earnings on the Information Technology Fund balance shall be credited to the Information Technology Fund."

SECTION 1.9.(d) G.S. 147-33.82(a)(3) reads as rewritten:

"**§ 147-33.82. Functions of the Office of Information Technology Services.**

(a) In addition to any other functions required by this Article, the Office of Information Technology Services shall:

...

(3) Conduct an annual assessment of State agencies for compliance with statewide policies for information ~~technology and submit for review of the Information Technology Advisory Board recommended statewide policies for information~~ technology.

...."

SECTION 1.9.(e) G.S. 147-33.110 reads as rewritten:

"**§ 147-33.110. Statewide security standards.**

The State Chief Information Officer shall establish a statewide set of standards for information technology security to maximize the functionality, security, and interoperability of the State's distributed information technology assets, including communications and encryption technologies. The State CIO shall review and revise the security standards annually. As part of

this function, the State Chief Information Officer shall review periodically existing security standards and practices in place among the various State agencies to determine whether those standards and practices meet statewide security and encryption requirements. The State Chief Information Officer may assume the direct responsibility of providing for the information technology security of any State agency that fails to adhere to security standards adopted under this Article. ~~Any actions taken by the State Chief Information Officer under this section shall be reported to the Information Technology Advisory Board at its next scheduled meeting.~~"

LEGISLATIVE INTERN PROGRAM COUNCIL

SECTION 1.10. G.S. 120-56 is repealed.

NORTH CAROLINA CAPITAL PLANNING COMMISSION

SECTION 1.11.(a) Part 3 of Article 9 of Chapter 143B of the General Statutes, being G.S. 143B-373 and G.S. 143B-374, is repealed.

SECTION 1.11.(b) G.S. 140-5.14(12) reads as rewritten:

"**§ 140-5.14. Board of Trustees – powers and duties.**

The Board of Trustees shall be the governing body of the North Carolina Museum of Art and shall have the following powers and duties:

...

(12) To determine the sites for expansion of the North Carolina Museum of Art with the approval of the Governor and Council of ~~State and the North Carolina State Capital Planning Commission;~~State;

...."

NORTH CAROLINA LOCAL GOVERNMENT ADVOCACY COUNCIL

SECTION 1.12. G.S. 143-506.14 is repealed.

NORTH CAROLINA PUBLIC RADIO ADVISORY COMMITTEE – AGENCY ON PUBLIC TELECOMMUNICATIONS

SECTION 1.13.(a) G.S. 143B-426.12 is repealed.

SECTION 1.13.(b) G.S. 143B-426.9 reads as rewritten:

"**§ 143B-426.9. North Carolina Agency for Public Telecommunications – Creation; membership; appointments, terms and vacancies; officers; meetings and quorum; compensation.**

The North Carolina Agency for Public Telecommunications is created. It is governed by the Board of Public Telecommunications Commissioners, composed of ~~27~~ 26 members as follows:

(1) A Chairman appointed by, and serving at the pleasure of, the Governor;
(2) Ten at-large members, appointed by the Governor from the general public;
(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;
(4) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;
(5) The Secretary of Administration, ex officio;
(6) The Chairman of the Board of Trustees of The University of North Carolina Center for Public Television (if and when established), ex officio;
(7) The Chairman of the State Board of Education, ex officio;
(8) The Chairman of the OPEN/net Committee, ex officio, so long as such person is not a State employee;
(9) The Chairman of the North Carolina Utilities Commission, ex officio;

(10) The Director of the Public Staff of the North Carolina Utilities Commission, ex officio;

~~(11) The Chairman of the Public Radio Advisory Committee of the North Carolina Agency for Public Telecommunications, ex officio;~~

(12) The Superintendent of Public Instruction, ex officio;

(13) The President of the University of North Carolina, ex officio;

(14) The President of the Community Colleges System, ex officio; and

(15) Two members ex officio who shall rotate from among the remaining heads of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by the Governor.

The 10 at-large members shall serve for terms staggered as follows: four terms shall expire on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on June 30, 1984. Thereafter, the members at large shall be appointed for full four-year terms and until their successors are appointed and qualified. In making appointments of members at large, the Governor shall seek to appoint persons from the various geographic areas of the State including both urban and rural areas; persons from various classifications as to sex, race, age, and handicapped persons; and persons who are representatives of the public broadcast, commercial broadcast, nonbroadcast distributive systems and private education communities of the State.

The terms of the ex officio members are coterminous with their respective terms of office. In the event that any of the offices represented on the Board ceases to exist, the successor officer to the designated member shall become an ex officio member of the Board; if there shall be no successor, then the position on the Board shall be filled by a member to be appointed by the Governor from the general public. The ex officio members shall have the right to vote.

The initial members appointed to the Board by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years.

The terms of the rotating ex officio members shall be of one-year duration, and the schedule of rotation is determined by the Governor.

Each State official who serves on the Board may designate a representative of his department, agency or institution to sit in his place on the Board and to exercise fully the official's privileges of membership.

The Secretary of Administration or his designee serves as secretary of the Board.

Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the original appointment.

The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.

The Board meets quarterly and at other times at the call of the chairman or upon written request of at least six members.

A majority of the Board members shall constitute a quorum for the transaction of business."

NORTH CAROLINA RAIL COUNCIL

SECTION 1.14. Part 9 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-361 through G.S. 143B-363, is repealed.

PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE

SECTION 1.15. G.S. 120-70.108 is repealed.

PUBLIC HEALTH STUDY COMMISSION

SECTION 1.16.(a) Article 22 of Chapter 120 of the General Statutes, G.S. 120-195 through G.S. 120-203, is repealed.

SECTION 1.16.(b) G.S. 130A-40.1(b) reads as rewritten:

"**§ 130A-40.1. Pilot program for nurse as health director.**

...

(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. ~~The Secretary of Health and Human Services shall report any approval under this section to the Public Health Study Commission.~~"

SUBSTANCE ABUSE ADVISORY COUNCIL

SECTION 1.17.(a) Part 5 of Article 6A of Chapter 143B of the General Statutes, G.S. 143B-270 and G.S. 143B-271, is repealed.

SECTION 1.17.(b) G.S. 148-19(d) reads as rewritten:

"**§ 148-19. Health services.**

...

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Department of Correction. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Correction an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within the Department of Health and Human Services to monitor the implementation by the Department of Correction of these standards and of substance abuse standards adopted by the Department of ~~Correction upon the advice of the Substance Abuse Advisory Council established pursuant to G.S. 143B-270.~~Correction. The Secretary of Health and Human Services shall send a written report on the progress which the Department of Correction has made on the implementation of such standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such reports shall be made on an annual basis beginning January 1, 1978."

TASK FORCE ON SCHOOL-BASED MANAGEMENT

SECTION 1.18. G.S. 115C-105.31 is repealed.

TASK FORCE ON THE COORDINATION OF CHILDREN'S SERVICES

SECTION 1.19.(a) G.S. 120-221 is repealed.

SECTION 1.19.(b) G.S. 120-217(c) reads as rewritten:

"**§ 120-217. Commission membership; terms; compensation.**

...

(c) Commission members shall receive no salary as a result of serving on the Commission ~~and the Task Force on the Coordination of Children's Services~~ but shall receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable."

SECTION 1.19.(c) G.S. 120-218(c) reads as rewritten:

"**§ 120-218. Commission meetings; public hearings; staff.**

...

(c) The Commission may contract for clerical or professional staff or for any other services it may require in the course of its ongoing study. At the request of the Commission, the Legislative Services Commission may supply members of the staff of the Legislative Services Office and clerical assistance to the Commission as the Legislative Services Commission

considers appropriate. The Commission ~~and the Task Force on the Coordination of Children's Services~~ may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building."

SECTION 1.19.(d) G.S. 120-220 reads as rewritten:

"**§ 120-220. Commission authority.**

The Commission ~~and the Task Force on the Coordination of Children's Services~~ has the authority to obtain information and data from all State officers, agents, agencies, and departments, while in discharge of its duties, pursuant to G.S. 120-19, as if it were a committee of the General Assembly."

PETROLEUM UNDERGROUND STORAGE TANK FUND COUNCIL

SECTION 1.20.(a) G.S. 143-215.94O is repealed.

SECTION 1.20.(b) G.S. 143-215.94A reads as rewritten:

"**§ 143-215.94A. Definitions.**

Unless a different meaning is required by the context, the following definitions shall apply throughout this Part and Part 2B of this Article:

...

~~(3) "Council" means the North Carolina Petroleum Underground Storage Tank Funds Council.~~

...."

SECTION 1.20.(c) G.S. 143-215.94I reads as rewritten:

"**§ 143-215.94I. Insurance pools authorized; requirements.**

...

(l) The Department of Insurance, in consultation with ~~the Petroleum Underground Storage Tank Funds Council and~~ the Department of Environment and Natural Resources, shall provide guidance and technical assistance for the formation of an insurance pool pursuant to G.S. 143-215.94I to any responsible entity that requests assistance."

NORTH CAROLINA AERONAUTICS COUNCIL

SECTION 1.21.(a) G.S. 143B-356 and G.S. 143B-357 are repealed.

SECTION 1.21.(b) The title of Part 5 of Article 8 of Chapter 143B of the General Statutes reads as rewritten:

"Part 5. Division of ~~Aeronautics – Aeronautics Council.~~Aeronautics."

SECTION 1.21.(c) G.S. 63-66 reads as rewritten:

"**§ 63-66. Administration of Article; powers of Department of Transportation.**

The Department of Transportation shall carry out the provisions of this Article. In exercising such power, the Department shall:

(1) Promote the further development and improvement of air routes, airport facilities, seaplane bases, heliports, protect their approaches and stimulate the development of aviation, commerce and air facilities. In exercising this power, the Department shall prepare and develop goals, objectives, standards and policies for the most efficient and economical expenditure of State funds as may be appropriated for the purposes of this Article.

(2) Publish and make available to aviation interests, the Federal Aviation Administration, and the people of the State generally, current information regarding such criteria, standards, and policies.

(3) Prepare and keep current a State airport plan and submit annual revisions of that plan to the Federal Aviation Administration.

(4) Make a detailed and thorough study of all applications for State assistance authorized herein and make specific recommendations regarding applications to the Federal Aviation Administration for federal grants.

(5) Develop a plan of priorities and allocations of State funds to be revised annually.

(6) Represent the State before all federal agencies and elsewhere where the aviation interests of the State may be affected.

(7) Subject to the availability of funds for the purpose, promote aviation safety throughout the State and conduct such promotional, educational and other programs as may be necessary to keep the people of the State properly informed with respect to aviation and to further aeronautics generally throughout the State.

~~In exercising the powers and performing the duties herein provided for by this section, the Department of Transportation shall consult with and seek the advice of the aeronautics council.~~"

FUTURE OF THE NORTH CAROLINA RAILROAD STUDY

SECTION 1.22. Article 28 of Chapter 120 of the General Statutes, G.S. 120-245 through G.S. 120-255, is repealed.

LEGISLATIVE SERVICES COMMISSION SUBCOMMITTEE ON EXPENDITURE MODEL

SECTION 1.23. Sections 7.1 and 7.2 of Chapter 17 of the 1995 Session Laws, Second Extra Session 1996, are repealed.

NORTH CAROLINA PUBLIC EMPLOYEE SPECIAL PAY PLAN BOARD OF TRUSTEES

SECTION 1.24. Part 29 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.41, is repealed.

ROANOKE RIVER BASIN ADVISORY COMMITTEE

SECTION 1.25.(a) Part 2 of Article 7 of Chapter 77 of the General Statutes, G.S. 77-103 through G.S. 77-109, is repealed.

SECTION 1.25.(b) The title of Article 7 of Chapter 77 of the General Statutes reads as rewritten:

"Article 7.

Roanoke River Basin Bi-State ~~Commission; Roanoke River Basin Advisory Committee.~~Commission.

Part 1. Roanoke River Basin Bi-State Commission."

NORTH CAROLINA SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AGENCY – TRANSFER DUTIES AND FUNCTIONS TO THE CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

SECTION 1.26.(a) G.S. 159I-3 reads as rewritten:

"**§ 159I-3. Definitions.**

(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this Chapter:

~~(1) "Administrative charges" means any charge made by the Agency to a unit of local government for the providing of financing pursuant to this Chapter and may include, without limitation, charges for financing costs, charges for the costs of bond and reserve fund insurance, of credit enhancement and liquidity facilities, and of interest rate agreements, charges in respect of nonasset bond and investment income deficiencies, and charges for~~

~~administrative expenses of the Agency incurred in the exercise of its powers and duties conferred by this Chapter.~~

~~(2) "Agency" means the North Carolina Solid Waste Management Capital Projects Financing Agency.~~

(3) "Board" means the ~~board of directors of the Agency or any other governing body of the Agency succeeding to the principal functions of the Agency.~~ Clean Water Management Trust Fund Board of Trustees.

(4) "Bonds" means the revenue bonds authorized to be issued by the ~~Agency~~ Board under this Chapter. As used in this Chapter, the term "bonds" does not include any loan agreement.

(5) "Costs" means the capital cost of acquiring or constructing any project, including, without limitation, the following:

a. The costs of doing any or all of the following deemed necessary or convenient by a unit of local government:
   1. Acquiring, constructing, erecting, providing, developing, installing, furnishing, and equipping;
   2. Reconstructing, remodeling, altering, renovating, replacing, refurnishing, and re-equipping;
   3. Enlarging, expanding, and extending; and
   4. Demolishing, relocating, improving, grading, draining, landscaping, paving, widening, and resurfacing.

b. The costs of all property, both real and personal and both improved and unimproved, and of plants, works, appurtenances, structures, facilities, furnishings, machinery, equipment, vehicles, easements, water rights, air rights, franchises, and licenses used or useful in connection with the purpose authorized;

c. The costs of demolishing or moving structures from land acquired and acquiring any lands to which such structures thereafter are to be moved;

d. Financing charges, including estimated interest during the acquisition or construction of such project and for six months thereafter;

e. The costs of services to provide and the cost of plans, specifications, studies and reports, surveys, and estimates of costs and revenues;

f. The costs of paying any interim financing, including principal, interest, and premium, related to the acquisition or construction of a project;

g. Administrative and legal expenses and administrative charges;

h. The costs of obtaining bond and reserve fund insurance and investment contracts, of credit-enhancement facilities, liquidity facilities and interest-rate agreements, and of establishing and maintaining debt service and other reserves; and

i. Any other services, costs, and expenses necessary or incidental to the purpose authorized.

(6) "Division" means the Division of Waste Management of the Department of Environment and Natural Resources and any successor of the Division of Waste Management.

(7) "Loan" means moneys loaned by the ~~Agency~~ Board to a unit of local government for a project authorized by this Chapter.

(8) "Loan agreement" means any bond, note, contract, loan agreement, or other written agreement of a unit of local government delivered to the Agency and evidencing the unit's receipt of loan proceeds from the sale of all or a portion

of the Agency's bonds or from other available money of the Agency and setting forth the terms of the unit's agreement to make payments to the ~~Agency~~ Board in respect of such loan.

(9) "Local Government Commission" means the Local Government Commission of the Department of the State Treasurer, established by Article 2 of Chapter 159 of the General Statutes and any successor of said Commission.

(10) "Notes" means the revenue notes or revenue bond anticipation notes authorized to be issued by the ~~Agency~~ Board under this Chapter. As used in this Chapter, the term "notes" does not include any loan agreement.

(11) "Project" means any capital project authorized to be financed in G.S. 159I-8.

(12) "Revenues" means all moneys received by the Agency, other than the proceeds received by the ~~Agency~~ Board from the sale of bonds or notes and moneys appropriated by the State for the Solid Waste Management Loan Fund, in connection with the providing of financing to units of local government, including without limitation:

a. The payments received by the ~~Agency~~ Board of the principal of and premium, if any, and interest on loan agreements;

b. Administrative charges, but only to the extent determined by the ~~Agency;~~Board; and

c. Investment earnings on all revenues, funds, and other moneys of the ~~Agency.~~Board.

(13) "Unit of local government" or "unit" means:

a. A unit of local government as defined in G.S. 159-44(4);

b. Any combination of units, as defined in G.S. 160A-460(2), entering into a contract or agreement with each other under G.S. 160A-461;

c. Any joint agency established under G.S. 160A-462; as any such section may be amended from time to time;

d. Any regional solid waste management authority created pursuant to G.S. 153A-421; or

e. A consolidated city-county as defined by G.S. 160B-2(1), including such a consolidated city-county acting with respect to an urban service district defined by a consolidated city-county.

(b) Unless a different meaning is required by the context, the definitions set out in G.S. 130A-290, as such section may be amended from time to time, shall apply throughout this Chapter."

SECTION 1.26.(b) G.S. 159I-4 is repealed.

SECTION 1.26.(c) The Revisor of Statutes is authorized to change the word "Agency" to the word "Board" where it appears in Chapter 159I of the General Statutes.

NORTH CAROLINA BICYCLE COMMITTEE

SECTION 1.27. G.S. 136-71.13 is repealed.

JOINT LEGISLATIVE COMMISSION ON FUTURE STRATEGIES FOR NORTH CAROLINA

SECTION 1.28.(a) Article 13B of Chapter 120 of the General Statutes, G.S. 120-84.6 through G.S. 120-84.12, is repealed.

SECTION 1.28.(b) G.S. 143-318.14A reads as rewritten:

"**§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without

limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

...

~~(12) The Joint Legislative Commission on Future Strategies for North Carolina;~~

...."

JOINT BROADBAND TASK FORCE

SECTION 1.29. Section 6.18(e) of S.L. 2010-31 reads as rewritten:

"**SECTION 6.18.(e)** Beginning December 1, 2010, the Task Force shall provide quarterly reports to the Joint Legislative Oversight Committee on Information Technology and shall terminate upon filing its final ~~report.~~ report on or before July 1, 2011."

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 1.30.(a) Article 25 of Chapter 120 of the General Statutes, G.S. 120-226, is repealed.

SECTION 1.30.(b) G.S. 114-19.01 reads as rewritten:

"**§ 114-19.01. Study and report on use of pseudoephedrine products to make methamphetamine.**

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, ~~the Legislative Commission on Methamphetamine Abuse,~~ and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

SECTION 1.31.(a) Part 2 of Article 1B of Chapter 130A of the General Statutes, G.S. 130A-33.40 and G.S. 130A-33.41, is repealed.

SECTION 1.31.(b) G.S. 143B-138.1 reads as rewritten:

"**§ 143B-138.1. Department of Health and Human Services – functions and organization.**

...

(d) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Environment, Health, and Natural Resources are transferred to and vested in the Department of Health and Human Services by a Type II transfer, as defined in G.S. 143A-6:

(1) Commission for Public Health.

(2) Council on Sickle Cell Syndrome.

~~(3) Governor's Council on Physical Fitness and Health.~~

(4) Commission of Anatomy.

(5) Minority Health Advisory Council.

(6) Advisory Committee on Cancer Coordination and Control.

...."

JOINT SELECT COMMITTEE ON LOW-LEVEL RADIOACTIVE WASTE

SECTION 1.32.(a) Article 12C of Chapter 120 of the General Statutes, G.S. 120-70.31 through G.S. 120-70.37, is repealed.

SECTION 1.32.(b) G.S. 120-70.43(a)(7) reads as rewritten:

"**§ 120-70.43. Powers and duties.**

(a) The Environmental Review Commission shall have the following powers and duties:

...

(7) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, or the Joint Legislative Utility Review Committee, ~~or the Joint Select Committee on Low-Level Radioactive Waste~~ and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate; provided that the Environmental Review Commission shall not undertake any study which the General Assembly has assigned to another legislative commission or committee.

...."

HEALTH INSURANCE INNOVATIONS COMMISSION

SECTION 1.34. Article 90 of Chapter 58 of the General Statutes, G.S. 58-90-1 through G.S. 58-90-25, is repealed.

BLUE RIBBON TASK FORCE ON THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES

SECTION 1.35.(a) Subsections (d) and (f) of Section 7 of S.L. 2009-16 read as rewritten:

"**SECTION 7.(d)** ~~Upon the convening of each session of the General Assembly, the Task Force shall report its findings and recommendations to the General Assembly, the Governor, and the Committee on Employee Hospital and Medical Benefits.~~The Task Force shall terminate on or before July 1, 2011.

"~~**SECTION 7.(f)** The Legislative Services Officer shall allocate from a portion of the funds appropriated to the General Assembly for each fiscal year for expenses of the Task Force.~~"

SECTION 1.35.(b) G.S. 135-44.4(31) reads as rewritten:

"(31) The Plan shall conduct a monthly review of Plan costs as compared to the same month in the immediately preceding year and a comparison of projected costs and savings to actual costs and savings. The Plan shall report the results of the review to the Committee on Employee Hospital and Medical Benefits ~~and the State Health Plan Blue Ribbon Task Force~~ at least semiannually."

HISTORIC SITES REPAIRS AND RENOVATIONS REVIEW COMMITTEE

SECTION 1.37. Section 29.3(b) of S.L. 1998-212 is repealed.

SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL

SECTION 1.38.(a) Part 15 of Article 7 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 1.38.(b) G.S. 143-215.3A reads as rewritten:

"**§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.**

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit

program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of ~~the Small Business Environmental Advisory Panel,~~ the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses.

...."

COMMITTEE ON STANDARDS AND ACCOUNTABILITY

SECTION 1.39. Subsection (c) of Section 8.27 of S.L. 1997-443 reads as rewritten:

"(c) The North Carolina Standards and Accountability Commission has completed its work and submitted a report to the State Board of Education. Therefore, effective August 1, 1997, Article 8A of Chapter 115C of the General Statutes is repealed.

~~Recognizing the important role of the Commission's work, there is established the Committee on Standards and Accountability. The Committee shall advise the State Board of Education on student performance standards. The Committee shall be composed of 13 members, nine appointed by the Governor, two appointed by the President Pro Tempore of the Senate, and two appointed by the Speaker of the House of Representatives. Of the Governor's nine appointments, one shall be for a chair of the Committee. The chair shall be a person in North Carolina who understands the connection of high and rigorous standards with student preparation for the world of work and other post high school opportunities.~~"

NORTH CAROLINA TEACHER ACADEMY BOARD OF TRUSTEES

SECTION 1.40.(a) G.S. 115C-296.4 is repealed.

SECTION 1.40.(b) G.S. 120-123(63) is repealed.

SECTION 1.40.(c) G.S. 126-5(c1)(26) is repealed.

NORTH CAROLINA TEACHING FELLOWS COMMISSION

SECTION 1.41.(a) Effective July 1, 2015, Part 2 of Article 24C of Chapter 115C of the General Statutes, G.S. 115C-363.22 through G.S. 115C-363.23A, is repealed.

SECTION 1.41.(b) Effective July 1, 2015, G.S. 116-204 reads as rewritten:

"**§ 116-204. Powers of Authority.**

The Authority is hereby authorized and empowered:

...

~~(9) To collect loan repayments for loans awarded under the Teaching Fellows Program pursuant to G.S. 115C-363.23A if the loan repayment is outstanding for more than 30 days.~~

...."

SECTION 1.41.(c) Effective July 1, 2015, G.S. 120-123(45a) is repealed.

NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS COMMISSION

SECTION 1.42. G.S. 115C-295.1 and G.S. 115C-295.2 are repealed.

PART II. ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS

SECTION 2. For the following State boards, committees, and commissions where statutory requirements have been met, these bodies are no longer authorized to meet, provide recommendations, or operate in any capacity.

JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS

SECTION 2.1. The statutory requirements for the Joint Legislative Study Committee on Public School Funding Formulas, established by S.L. 2010-31, have been met.

HIGHER EDUCATION CIVIC EDUCATION STUDY COMMISSION

SECTION 2.2. The statutory requirements for the Higher Education Civic Education Study Commission, established by S.L. 2008-181, have been met.

JOINT LEGISLATIVE COMMITTEE ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION

SECTION 2.3. The statutory requirements of the Joint Legislative Committee on Dropout Prevention and High School Graduation, established by S.L. 2007-323, have been met.

ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE

SECTION 2.4. The statutory requirements of the Advisory Commission on Hospital Infection Control and Disclosure, established by S.L. 2007-480, have been met.

JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY

SECTION 2.5. The statutory requirements of the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery, established by S.L. 2008-181, have been met.

PARTITION SALES STUDY COMMITTEE

SECTION 2.6. The statutory requirements of the Partition Sales Study Committee, established by S.L. 2008-181, have been met.

NORTH CAROLINA NATIONAL GUARD PENSION FUND STUDY COMMITTEE

SECTION 2.7. The statutory requirements of the North Carolina National Guard Pension Fund Study Committee, established by S.L. 2008-181, have been met.

NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATIONAL ADVISORY COUNCIL

SECTION 2.8. The statutory requirements of the North Carolina Professional Employer Organizational Advisory Council, established by S.L. 2004-162, have been met.

LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE

SECTION 2.9. The statutory requirements of the Legislative Commission on Global Climate Change, established by S.L. 2005-442, have been met.

LEGISLATIVE STUDY COMMITTEE ON PUBLIC-PRIVATE PARTNERSHIPS

SECTION 2.10. The statutory requirements of the Legislative Study Committee on Public-Private Partnerships, established by S.L. 2010-152, have been met.

SENATE SELECT COMMITTEE ON GOVERNMENT AND ELECTION REFORM

SECTION 2.11. The statutory requirements of the Senate Select Committee on Government and Election Reform, established pursuant to G.S. 120-19.6, have been met.

JOINT SELECT COMMITTEE ON CAPITAL TRIAL, SENTENCING, AND POST-CONVICTION PROCEDURES FOR PERSONS WHO SUFFER SEVERE MENTAL DISABILITIES

SECTION 2.12. Joint Select Committee on Capital Trial, Sentencing, and Post-Conviction Procedures for Persons Who Suffer Severe Mental Disabilities, established pursuant to G.S. 120-19.6, have been met.

NORTH CAROLINA EDUCATION STANDARDS AND ACCOUNTABILITY COMMISSION

SECTION 2.13. The statutory requirements of the North Carolina Education Standards and Accountability Commission, established by Chapter 117 of the 1993 Session Laws, have been met.

STATE BOARD OF EDUCATION SELECTION COMMITTEE FOR A SUPERINTENDENT

SECTION 2.14. The statutory requirements of the State Board of Education Selection Committee for a Superintendent have been met.

ADVISORY COMMITTEE TO THE NORTH CAROLINA MEMBERS OF THE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT COMMISSION

SECTION 2.15. The statutory requirements of the Advisory Committee to the North Carolina Members of the Low-Level Radioactive Waste Management Compact Commission, established by Chapter 714 of the 1983 Session Laws, have been met.

STUDY COMMISSION ON NORTH CAROLINA'S ENERGY FUTURE

SECTION 2.16. The statutory requirements of the Study Commission on North Carolina's Energy Future, established by S.L. 2009-574, have been met.

LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE

SECTION 2.17. The statutory requirements of the Legislative Study Commission on Water and Wastewater Infrastructure, established by S.L. 2009-574, have been met.

PART III. CONFORMING CHANGES, EFFECT OF HEADINGS, EFFECTIVE DATE

SECTION 3.1. G.S. 115C-64.7 reads as rewritten:

"**§ 115C-64.7. Criteria for dropout prevention grants.**

The following criteria apply to all types of dropout prevention grants approved by the Committee:

(1) Grants shall be issued in varying amounts up to a maximum of one hundred seventy-five thousand dollars ($175,000).

(2) These grants shall be provided to innovative programs and initiatives that target students at risk of dropping out of school and that demonstrate the potential to (i) be developed into effective, sustainable, and coordinated dropout prevention and reentry programs in middle schools and high schools and (ii) serve as effective models for other programs.

(3) Grants shall be distributed geographically throughout the State and throughout the eight educational districts as defined in G.S. 115C-65. No

more than three grants shall be awarded in any one county under this section in a single fiscal year.

(4) Grants may be made to local school administrative units, schools, local agencies, or nonprofit organizations. Applications from nonprofits shall be subject to the additional fiscal accountability controls described in G.S. 115C-64.8.

(5) Grants shall be to programs and initiatives that hold all students to high academic and personal standards.

(6) Grant applications shall state (i) how grant funds will be used, (ii) what, if any, other resources will be used in conjunction with the grant funds, (iii) how the program or initiative will be coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community, and (iv) a process for evaluating the success of the program or initiative.

(7) Programs and initiatives that receive grants under this section shall be based on best practices for helping at-risk students achieve successful academic progress, preventing students from dropping out of school, or for increasing the high school completion rate for those students who already have dropped out of school.

(8) Priority for grants shall be given to proposals that (i) demonstrate input from the local community and coordination with other available programs or resources and (ii) provide clear plans for sustaining the program in future years when State funding will no longer be provided.

(9) Grantees shall assure their compliance with applicable laws and rules regulating conflicts of interest.

(10) Priority for grants shall be given to programs that would serve students in local schools that have a four-year cohort graduation rate of less than sixty-five percent (65%). The Committee shall establish a grant rating cutoff score at such a level as to allow for consideration of all viable grants in this priority category. The Committee may require grantees to provide supplemental information in response to any prior reviewer comments.

(11) Priority for grants shall be given to proposals demonstrating the potential for success.

(12) The demonstrated need for a grant, level of collaboration, ability to increase attendance, persistence, academic success, ability to increase parental involvement, and graduation shall be given more weight than the quality of the written grant.

(13) Grants shall be made no later than November 1, 2010 and subsequent years.

The Committee shall report to ~~the Joint Legislative Commission on Dropout Prevention and High School Graduation and~~ the Joint Legislative Education Oversight Committee on the grants awarded under this section by March 1, 2010 and annually thereafter."

SECTION 3.2. G.S. 115C-64.9 reads as rewritten:

"**§ 115C-64.9. Evaluation.**

The Committee shall evaluate the impact of the dropout prevention grants awarded under this Article. In evaluating the impact of the grants, the Committee shall consider:

(1) How grant funds were used, including the services provided for teen pregnancy prevention and for pregnant and parenting teens;

(2) The success of the program or initiative, as indicated by the evaluation process stated in its grant application;

(3) The extent to which the program or initiative has improved students' attendance, test scores, persistence, and graduation rates;

(4) How the program or initiative was coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community;
(5) What, if any, other resources were used in conjunction with the grant funds;
(6) The sustainability of the program;
(7) The number, gender, ethnicity, and grade level of students being served as well as whether the students left school due to pregnancy or parenting responsibilities;
(8) The potential for the program to serve as a model for achieving successful academic progress for at-risk students; and
(9) Other indicators of the impact of the grant on dropout prevention.

The recipients of the dropout prevention grants awarded under this section shall report to the Committee on Dropout Prevention by January 31, 2011, and annually thereafter. The reports shall provide information to assist the Committee in conducting its evaluation. The reports shall include a statement that the recipients used grant funds for the purposes appropriated by the General Assembly and complied with applicable laws, regulations, and terms and conditions of the grant documents. The Committee shall make an interim report of the results of its evaluation of the grants awarded under this section by March 31, 2011, to the ~~Joint Legislative Commission on Dropout Prevention and High School Graduation and to the~~ Joint Legislative Education Oversight Committee. The Committee shall make a final report of the results of its evaluation of the grants awarded under subsection (c) of this section by November 15, 2011, to ~~the Joint Legislative Commission on Dropout Prevention and High School Graduation and to~~ the Joint Legislative Education Oversight Committee."

SECTION 3.3.(a) Part 15 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 3.3.(b) G.S. 143-215.3A(b) reads as rewritten:

"**§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.**

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of ~~the Small Business Environmental Advisory Panel,~~ the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses."

SECTION 3.4. The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a part.

SECTION 3.5. The Revisor of Statutes shall, on or after the effective date of this act, correct any reference or citation in the General Statutes that is amended by this act by deleting the incorrect references and substituting correct references.

SECTION 3.6. The Office of the Governor, the Legislative Library, and all State agencies shall update databases related to State boards and commissions to reflect that the boards and commissions set out in this act have been abolished.

SECTION 3.7. The terms of the members currently serving on the boards set out in Part I of this act shall expire on the effective date of this act.

SECTION 3.8. Unless otherwise provided, this act becomes effective July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 593
Program Evaluation Committee Substitute Adopted 6/7/11
Third Edition Engrossed 6/9/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S593-CSLG-21 [v.2]

6/14/2011 8:57:38 AM

Short Title: Government Reduction Act. (Public)

Sponsors:

Referred to:

April 14, 2011

A BILL TO BE ENTITLED

AN ACT REDUCING STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES.

The General Assembly of North Carolina enacts:

PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED CRITICAL

ADVISORY COMMITTEE ON ABANDONED CEMETERIES

SECTION 1.1. Part 26 of Chapter 143B of the General Statutes, G.S. 143B-128, is repealed.

ADVISORY COUNCIL FOR THE PUBLIC CAMPAIGN FINANCING FUND

SECTION 1.2.(a) G.S. 163-278.68 is repealed.

SECTION 1.2.(b) G.S. 163-278.63(c) reads as rewritten:

"**§ 163-278.63. North Carolina Public Campaign Fund established; sources of funding.**

...

(c) Determination of Fund Amount. – By October 1, 2003, and every two years thereafter, the ~~Board, in conjunction with the Advisory Council for the Public Campaign Financing Fund,~~Board shall prepare and provide to the Joint Legislative Commission on Governmental Operations of the General Assembly a report documenting, evaluating, and making recommendations relating to the administration, implementation, and enforcement of this Article. In its report, the Board shall set out the funds received to date and the expected needs of the Fund for the next election."

ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE

SECTION 1.3. Part 28 of Article 2 of Chapter 143B of the General Statutes, G.S. 143B-132, is repealed.

AQUACULTURE ADVISORY BOARD

SECTION 1.4. G.S. 106-760 is repealed.

BUTNER LANDS COMMISSION

SECTION 1.5. G.S. 122C-415 is repealed.

COORDINATION OF CHILDREN'S SERVICES STUDY COMMISSION

SECTION 1.6. Subsections (i) and (j) of Section 10.25 of S.L. 2005-276 are repealed.

GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH

SECTION 1.7. Part 17 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-414 through G.S. 143B-416, is repealed.

GOVERNOR'S BUSINESS COUNCIL ON THE ARTS AND HUMANITIES

SECTION 1.8. The Governor's Business Council on the Arts and Humanities is abolished.

INFORMATION TECHNOLOGY ADVISORY BOARD

SECTION 1.9.(a) G.S. 147-33.72G is repealed.

SECTION 1.9.(b) G.S. 147-33.72A(4) reads as rewritten:

"**§ 147-33.72A. Purpose.**

The purposes of this Article are to:

...

~~(4) Create an Information Technology Advisory Board.~~

...."

SECTION 1.9.(c) G.S. 147-33.72H reads as rewritten:

"**§ 147-33.72H. Information Technology Fund.**

There is established a special revenue fund to be known as the Information Technology Fund, which may receive transfers or other credits as authorized by the General Assembly. Money may be appropriated from the Information Technology Fund to meet statewide requirements, including planning, project management, security, electronic mail, State portal operations, and the administration of systemwide procurement procedures. Expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund shall be made by the ~~State CIO in consultation with the Information Technology Advisory Board.~~CIO. By October 1 of each year, the State CIO shall submit to the Joint Legislative Oversight Committee on Information Technology a report on all expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund for the preceding fiscal year. Interest earnings on the Information Technology Fund balance shall be credited to the Information Technology Fund."

SECTION 1.9.(d) G.S. 147-33.82(a)(3) reads as rewritten:

"**§ 147-33.82. Functions of the Office of Information Technology Services.**

(a) In addition to any other functions required by this Article, the Office of Information Technology Services shall:

...

(3) Conduct an annual assessment of State agencies for compliance with statewide policies for information ~~technology and submit for review of the Information Technology Advisory Board recommended statewide policies for information~~ technology.

...."

SECTION 1.9.(e) G.S. 147-33.110 reads as rewritten:

"**§ 147-33.110. Statewide security standards.**

The State Chief Information Officer shall establish a statewide set of standards for information technology security to maximize the functionality, security, and interoperability of the State's distributed information technology assets, including communications and encryption technologies. The State CIO shall review and revise the security standards annually. As part of this function, the State Chief Information Officer shall review periodically existing security standards and practices in place among the various State agencies to determine whether those standards and practices meet statewide security and encryption requirements. The State Chief Information Officer may assume the direct responsibility of providing for the information technology security of any State agency that fails to adhere to security standards adopted under this Article. ~~Any actions taken by the State Chief Information Officer under this section shall be reported to the Information Technology Advisory Board at its next scheduled meeting.~~"

LEGISLATIVE INTERN PROGRAM COUNCIL

SECTION 1.10. G.S. 120-56 is repealed.

NORTH CAROLINA CAPITAL PLANNING COMMISSION

SECTION 1.11.(a) Part 3 of Article 9 of Chapter 143B of the General Statutes, being G.S. 143B-373 and G.S. 143B-374, is repealed.

SECTION 1.11.(b) G.S. 140-5.14(12) reads as rewritten:

"**§ 140-5.14. Board of Trustees – powers and duties.**

The Board of Trustees shall be the governing body of the North Carolina Museum of Art and shall have the following powers and duties:

....

(12) To determine the sites for expansion of the North Carolina Museum of Art with the approval of the Governor and Council of ~~State and the North Carolina State Capital Planning Commission;~~State;

...."

NORTH CAROLINA LOCAL GOVERNMENT ADVOCACY COUNCIL

SECTION 1.12. G.S. 143-506.14 is repealed.

NORTH CAROLINA PUBLIC RADIO ADVISORY COMMITTEE – AGENCY ON PUBLIC TELECOMMUNICATIONS

SECTION 1.13.(a) G.S. 143B-426.12 is repealed.

SECTION 1.13.(b) G.S. 143B-426.9 reads as rewritten:

"**§ 143B-426.9. North Carolina Agency for Public Telecommunications – Creation; membership; appointments, terms and vacancies; officers; meetings and quorum; compensation.**

The North Carolina Agency for Public Telecommunications is created. It is governed by the Board of Public Telecommunications Commissioners, composed of ~~27~~26 members as follows:

(1) A Chairman appointed by, and serving at the pleasure of, the Governor;

(2) Ten at-large members, appointed by the Governor from the general public;

(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;

(4) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(5) The Secretary of Administration, ex officio;
(6) The Chairman of the Board of Trustees of The University of North Carolina Center for Public Television (if and when established), ex officio;
(7) The Chairman of the State Board of Education, ex officio;
(8) The Chairman of the OPEN/net Committee, ex officio, so long as such person is not a State employee;
(9) The Chairman of the North Carolina Utilities Commission, ex officio;
(10) The Director of the Public Staff of the North Carolina Utilities Commission, ex officio;
~~(11) The Chairman of the Public Radio Advisory Committee of the North Carolina Agency for Public Telecommunications, ex officio;~~
(12) The Superintendent of Public Instruction, ex officio;
(13) The President of the University of North Carolina, ex officio;
(14) The President of the Community Colleges System, ex officio; and
(15) Two members ex officio who shall rotate from among the remaining heads of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by the Governor.

The 10 at-large members shall serve for terms staggered as follows: four terms shall expire on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on June 30, 1984. Thereafter, the members at large shall be appointed for full four-year terms and until their successors are appointed and qualified. In making appointments of members at large, the Governor shall seek to appoint persons from the various geographic areas of the State including both urban and rural areas; persons from various classifications as to sex, race, age, and handicapped persons; and persons who are representatives of the public broadcast, commercial broadcast, nonbroadcast distributive systems and private education communities of the State.

The terms of the ex officio members are coterminous with their respective terms of office. In the event that any of the offices represented on the Board ceases to exist, the successor officer to the designated member shall become an ex officio member of the Board; if there shall be no successor, then the position on the Board shall be filled by a member to be appointed by the Governor from the general public. The ex officio members shall have the right to vote.

The initial members appointed to the Board by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years.

The terms of the rotating ex officio members shall be of one-year duration, and the schedule of rotation is determined by the Governor.

Each State official who serves on the Board may designate a representative of his department, agency or institution to sit in his place on the Board and to exercise fully the official's privileges of membership.

The Secretary of Administration or his designee serves as secretary of the Board.

Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the original appointment.

The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.

The Board meets quarterly and at other times at the call of the chairman or upon written request of at least six members.

A majority of the Board members shall constitute a quorum for the transaction of business."

NORTH CAROLINA RAIL COUNCIL

SECTION 1.14. Part 9 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-361 through G.S. 143B-363, is repealed.

PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE

SECTION 1.15. G.S. 120-70.108 is repealed.

PUBLIC HEALTH STUDY COMMISSION

SECTION 1.16.(a) Article 22 of Chapter 120 of the General Statutes, G.S. 120-195 through G.S. 120-203, is repealed.

SECTION 1.16.(b) G.S. 130A-40.1(b) reads as rewritten:

"**§ 130A-40.1. Pilot program for nurse as health director.**

...

(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. ~~The Secretary of Health and Human Services shall report any approval under this section to the Public Health Study Commission.~~"

SUBSTANCE ABUSE ADVISORY COUNCIL

SECTION 1.17.(a) Part 5 of Article 6A of Chapter 143B of the General Statutes, G.S. 143B-270 and G.S. 143B-271, is repealed.

SECTION 1.17.(b) G.S. 148-19(d) reads as rewritten:

"**§ 148-19. Health services.**

...

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt standards for the delivery of mental health and mental retardation services to inmates in the custody of the Department of Correction. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall give the Secretary of Correction an opportunity to review and comment on proposed standards prior to promulgation of such standards; however, final authority to determine such standards remains with the Commission. The Secretary of the Department of Health and Human Services shall designate an agency or agencies within the Department of Health and Human Services to monitor the implementation by the Department of Correction of these standards and of substance abuse standards adopted by the Department of ~~Correction upon the advice of the Substance Abuse Advisory Council established pursuant to G.S. 143B-270.~~Correction. The Secretary of Health and Human Services shall send a written report on the progress which the Department of Correction has made on the implementation of such standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such reports shall be made on an annual basis beginning January 1, 1978."

TASK FORCE ON SCHOOL-BASED MANAGEMENT

SECTION 1.18. G.S. 115C-105.31 is repealed.

TASK FORCE ON THE COORDINATION OF CHILDREN'S SERVICES

SECTION 1.19.(a) G.S. 120-221 is repealed.

SECTION 1.19.(b) G.S. 120-217(c) reads as rewritten:

"**§ 120-217. Commission membership; terms; compensation.**

...

(c) Commission members shall receive no salary as a result of serving on the Commission ~~and the Task Force on the Coordination of Children's Services~~ but shall receive

necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable."

SECTION 1.19.(c) G.S. 120-218(c) reads as rewritten:

"**§ 120-218. Commission meetings; public hearings; staff.**

...

(c) The Commission may contract for clerical or professional staff or for any other services it may require in the course of its ongoing study. At the request of the Commission, the Legislative Services Commission may supply members of the staff of the Legislative Services Office and clerical assistance to the Commission as the Legislative Services Commission considers appropriate. The Commission ~~and the Task Force on the Coordination of Children's Services~~ may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building."

SECTION 1.19.(d) G.S. 120-220 reads as rewritten:

"**§ 120-220. Commission authority.**

The Commission ~~and the Task Force on the Coordination of Children's Services~~ has the authority to obtain information and data from all State officers, agents, agencies, and departments, while in discharge of its duties, pursuant to G.S. 120-19, as if it were a committee of the General Assembly."

PETROLEUM UNDERGROUND STORAGE TANK FUND COUNCIL

SECTION 1.20.(a) G.S. 143-215.94O is repealed.

SECTION 1.20.(b) G.S. 143-215.94A reads as rewritten:

"**§ 143-215.94A. Definitions.**

Unless a different meaning is required by the context, the following definitions shall apply throughout this Part and Part 2B of this Article:

...

~~(3) "Council" means the North Carolina Petroleum Underground Storage Tank Funds Council.~~

...."

SECTION 1.20.(c) G.S. 143-215.94I reads as rewritten:

"**§ 143-215.94I. Insurance pools authorized; requirements.**

...

(l) The Department of Insurance, in consultation with ~~the Petroleum Underground Storage Tank Funds Council and~~ the Department of Environment and Natural Resources, shall provide guidance and technical assistance for the formation of an insurance pool pursuant to G.S. 143-215.94I to any responsible entity that requests assistance."

NORTH CAROLINA AERONAUTICS COUNCIL

SECTION 1.21.(a) G.S. 143B-356 and G.S. 143B-357 are repealed.

SECTION 1.21.(b) The title of Part 5 of Article 8 of Chapter 143B of the General Statutes reads as rewritten:

"Part 5. Division of ~~Aeronautics – Aeronautics Council.~~Aeronautics."

SECTION 1.21.(c) G.S. 63-66 reads as rewritten:

"**§ 63-66. Administration of Article; powers of Department of Transportation.**

The Department of Transportation shall carry out the provisions of this Article. In exercising such power, the Department shall:

(1) Promote the further development and improvement of air routes, airport facilities, seaplane bases, heliports, protect their approaches and stimulate the development of aviation, commerce and air facilities. In exercising this power, the Department shall prepare and develop goals, objectives, standards

and policies for the most efficient and economical expenditure of State funds as may be appropriated for the purposes of this Article.

(2) Publish and make available to aviation interests, the Federal Aviation Administration, and the people of the State generally, current information regarding such criteria, standards, and policies.

(3) Prepare and keep current a State airport plan and submit annual revisions of that plan to the Federal Aviation Administration.

(4) Make a detailed and thorough study of all applications for State assistance authorized herein and make specific recommendations regarding applications to the Federal Aviation Administration for federal grants.

(5) Develop a plan of priorities and allocations of State funds to be revised annually.

(6) Represent the State before all federal agencies and elsewhere where the aviation interests of the State may be affected.

(7) Subject to the availability of funds for the purpose, promote aviation safety throughout the State and conduct such promotional, educational and other programs as may be necessary to keep the people of the State properly informed with respect to aviation and to further aeronautics generally throughout the State.

~~In exercising the powers and performing the duties herein provided for by this section, the Department of Transportation shall consult with and seek the advice of the aeronautics council.~~"

FUTURE OF THE NORTH CAROLINA RAILROAD STUDY

SECTION 1.22. Article 28 of Chapter 120 of the General Statutes, G.S. 120-245 through G.S. 120-255, is repealed.

LEGISLATIVE SERVICES COMMISSION SUBCOMMITTEE ON EXPENDITURE MODEL

SECTION 1.23. Sections 7.1 and 7.2 of Chapter 17 of the 1995 Session Laws, Second Extra Session 1996, are repealed.

NORTH CAROLINA PUBLIC EMPLOYEE SPECIAL PAY PLAN BOARD OF TRUSTEES

SECTION 1.24. Part 29 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.41, is repealed.

ROANOKE RIVER BASIN ADVISORY COMMITTEE

SECTION 1.25.(a) Part 2 of Article 7 of Chapter 77 of the General Statutes, G.S. 77-103 through G.S. 77-109, is repealed.

SECTION 1.25.(b) The title of Article 7 of Chapter 77 of the General Statutes reads as rewritten:

"Article 7.

Roanoke River Basin Bi-State ~~Commission; Roanoke River Basin Advisory Committee.~~Commission.

Part 1. Roanoke River Basin Bi-State Commission."

NORTH CAROLINA SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AGENCY – TRANSFER DUTIES AND FUNCTIONS TO THE CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

SECTION 1.26.(a) G.S. 159I-3 reads as rewritten:

"**§ 159I-3. Definitions.**

(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this Chapter:

~~(1) "Administrative charges" means any charge made by the Agency to a unit of local government for the providing of financing pursuant to this Chapter and may include, without limitation, charges for financing costs, charges for the costs of bond and reserve fund insurance, of credit enhancement and liquidity facilities, and of interest rate agreements, charges in respect of nonasset bond and investment income deficiencies, and charges for administrative expenses of the Agency incurred in the exercise of its powers and duties conferred by this Chapter.~~

~~(2) "Agency" means the North Carolina Solid Waste Management Capital Projects Financing Agency.~~

(3) "Board" means the ~~board of directors of the Agency or any other governing body of the Agency succeeding to the principal functions of the Agency.~~ Clean Water Management Trust Fund Board of Trustees.

(4) "Bonds" means the revenue bonds authorized to be issued by the ~~Agency~~ Board under this Chapter. As used in this Chapter, the term "bonds" does not include any loan agreement.

(5) "Costs" means the capital cost of acquiring or constructing any project, including, without limitation, the following:

a. The costs of doing any or all of the following deemed necessary or convenient by a unit of local government:

1. Acquiring, constructing, erecting, providing, developing, installing, furnishing, and equipping;
2. Reconstructing, remodeling, altering, renovating, replacing, refurnishing, and re-equipping;
3. Enlarging, expanding, and extending; and
4. Demolishing, relocating, improving, grading, draining, landscaping, paving, widening, and resurfacing.

b. The costs of all property, both real and personal and both improved and unimproved, and of plants, works, appurtenances, structures, facilities, furnishings, machinery, equipment, vehicles, easements, water rights, air rights, franchises, and licenses used or useful in connection with the purpose authorized;

c. The costs of demolishing or moving structures from land acquired and acquiring any lands to which such structures thereafter are to be moved;

d. Financing charges, including estimated interest during the acquisition or construction of such project and for six months thereafter;

e. The costs of services to provide and the cost of plans, specifications, studies and reports, surveys, and estimates of costs and revenues;

f. The costs of paying any interim financing, including principal, interest, and premium, related to the acquisition or construction of a project;

g. Administrative and legal expenses and administrative charges;

h. The costs of obtaining bond and reserve fund insurance and investment contracts, of credit-enhancement facilities, liquidity

facilities and interest-rate agreements, and of establishing and maintaining debt service and other reserves; and

i. Any other services, costs, and expenses necessary or incidental to the purpose authorized.

(6) "Division" means the Division of Waste Management of the Department of Environment and Natural Resources and any successor of the Division of Waste Management.

(7) "Loan" means moneys loaned by the ~~Agency~~ Board to a unit of local government for a project authorized by this Chapter.

(8) "Loan agreement" means any bond, note, contract, loan agreement, or other written agreement of a unit of local government delivered to the Agency and evidencing the unit's receipt of loan proceeds from the sale of all or a portion of the Agency's bonds or from other available money of the Agency and setting forth the terms of the unit's agreement to make payments to the ~~Agency~~ Board in respect of such loan.

(9) "Local Government Commission" means the Local Government Commission of the Department of the State Treasurer, established by Article 2 of Chapter 159 of the General Statutes and any successor of said Commission.

(10) "Notes" means the revenue notes or revenue bond anticipation notes authorized to be issued by the ~~Agency~~ Board under this Chapter. As used in this Chapter, the term "notes" does not include any loan agreement.

(11) "Project" means any capital project authorized to be financed in G.S. 159I-8.

(12) "Revenues" means all moneys received by the Agency, other than the proceeds received by the ~~Agency~~ Board from the sale of bonds or notes and moneys appropriated by the State for the Solid Waste Management Loan Fund, in connection with the providing of financing to units of local government, including without limitation:

a. The payments received by the ~~Agency~~ Board of the principal of and premium, if any, and interest on loan agreements;

b. Administrative charges, but only to the extent determined by the ~~Agency;~~Board; and

c. Investment earnings on all revenues, funds, and other moneys of the ~~Agency.~~Board.

(13) "Unit of local government" or "unit" means:

a. A unit of local government as defined in G.S. 159-44(4);

b. Any combination of units, as defined in G.S. 160A-460(2), entering into a contract or agreement with each other under G.S. 160A-461;

c. Any joint agency established under G.S. 160A-462; as any such section may be amended from time to time;

d. Any regional solid waste management authority created pursuant to G.S. 153A-421; or

e. A consolidated city-county as defined by G.S. 160B-2(1), including such a consolidated city-county acting with respect to an urban service district defined by a consolidated city-county.

(b) Unless a different meaning is required by the context, the definitions set out in G.S. 130A-290, as such section may be amended from time to time, shall apply throughout this Chapter."

SECTION 1.26.(b) G.S. 159I-4 is repealed.

SECTION 1.26.(c) The Revisor of Statutes is authorized to change the word "Agency" to the word "Board" where it appears in Chapter 159I of the General Statutes.

NORTH CAROLINA BICYCLE COMMITTEE

SECTION 1.27. G.S. 136-71.13 is repealed.

JOINT LEGISLATIVE COMMISSION ON FUTURE STRATEGIES FOR NORTH CAROLINA

SECTION 1.28.(a) Article 13B of Chapter 120 of the General Statutes, G.S. 120-84.6 through G.S. 120-84.12, is repealed.

SECTION 1.28.(b) G.S. 143-318.14A reads as rewritten:

"**§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

...

~~(12) The Joint Legislative Commission on Future Strategies for North Carolina;~~

...."

JOINT BROADBAND TASK FORCE

SECTION 1.29. Section 6.18(e) of S.L. 2010-31 reads as rewritten:

"**SECTION 6.18.(e)** Beginning December 1, 2010, the Task Force shall provide quarterly reports to the Joint Legislative Oversight Committee on Information Technology and shall terminate upon filing its final ~~report.~~ report on or before July 1, 2011."

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 1.30.(a) Article 25 of Chapter 120 of the General Statutes, G.S. 120-226, is repealed.

SECTION 1.30.(b) G.S. 114-19.01 reads as rewritten:

"**§ 114-19.01. Study and report on use of pseudoephedrine products to make methamphetamine.**

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, ~~the Legislative Commission on Methamphetamine Abuse,~~ and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

SECTION 1.31.(a) Part 2 of Article 1B of Chapter 130A of the General Statutes, G.S. 130A-33.40 and G.S. 130A-33.41, is repealed.

SECTION 1.31.(b) G.S. 143B-138.1 reads as rewritten:

"**§ 143B-138.1. Department of Health and Human Services – functions and organization.**

...

(d) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Environment,

Health, and Natural Resources are transferred to and vested in the Department of Health and Human Services by a Type II transfer, as defined in G.S. 143A-6:

(1) Commission for Public Health.
(2) Council on Sickle Cell Syndrome.
~~(3) Governor's Council on Physical Fitness and Health.~~
(4) Commission of Anatomy.
(5) Minority Health Advisory Council.
(6) Advisory Committee on Cancer Coordination and Control.

...."

JOINT SELECT COMMITTEE ON LOW-LEVEL RADIOACTIVE WASTE

SECTION 1.32.(a) Article 12C of Chapter 120 of the General Statutes, G.S. 120-70.31 through G.S. 120-70.37, is repealed.

SECTION 1.32.(b) G.S. 120-70.43(a)(7) reads as rewritten:

"**§ 120-70.43. Powers and duties.**

(a) The Environmental Review Commission shall have the following powers and duties:

...

(7) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, or the Joint Legislative Utility Review Committee, ~~or the Joint Select Committee on Low-Level Radioactive Waste~~ and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate; provided that the Environmental Review Commission shall not undertake any study which the General Assembly has assigned to another legislative commission or committee.

...."

HEALTH INSURANCE INNOVATIONS COMMISSION

SECTION 1.34. Article 90 of Chapter 58 of the General Statutes, G.S. 58-90-1 through G.S. 58-90-25, is repealed.

BLUE RIBBON TASK FORCE ON THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES

SECTION 1.35.(a) Subsections (d) and (f) of Section 7 of S.L. 2009-16 read as rewritten:

"**SECTION 7.(d)** ~~Upon the convening of each session of the General Assembly, the Task Force shall report its findings and recommendations to the General Assembly, the Governor, and the Committee on Employee Hospital and Medical Benefits.~~The Task Force shall terminate on or before July 1, 2011.

"~~**SECTION 7.(f)** The Legislative Services Officer shall allocate from a portion of the funds appropriated to the General Assembly for each fiscal year for expenses of the Task Force.~~"

SECTION 1.35.(b) G.S. 135-44.4(31) reads as rewritten:

"(31) The Plan shall conduct a monthly review of Plan costs as compared to the same month in the immediately preceding year and a comparison of projected costs and savings to actual costs and savings. The Plan shall report

the results of the review to the Committee on Employee Hospital and Medical Benefits ~~and the State Health Plan Blue Ribbon Task Force~~ at least semiannually."

HISTORIC SITES REPAIRS AND RENOVATIONS REVIEW COMMITTEE

SECTION 1.37. Section 29.3(b) of S.L. 1998-212 is repealed.

SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL

SECTION 1.38.(a) Part 15 of Article 7 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 1.38.(b) G.S. 143-215.3A reads as rewritten:

"**§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.**

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of ~~the Small Business Environmental Advisory Panel,~~ the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses.

...."

COMMITTEE ON STANDARDS AND ACCOUNTABILITY

SECTION 1.39. Subsection (c) of Section 8.27 of S.L. 1997-443 reads as rewritten:

"(c) The North Carolina Standards and Accountability Commission has completed its work and submitted a report to the State Board of Education. Therefore, effective August 1, 1997, Article 8A of Chapter 115C of the General Statutes is repealed.

~~Recognizing the important role of the Commission's work, there is established the Committee on Standards and Accountability. The Committee shall advise the State Board of Education on student performance standards. The Committee shall be composed of 13 members, nine appointed by the Governor, two appointed by the President Pro Tempore of the Senate, and two appointed by the Speaker of the House of Representatives. Of the Governor's nine appointments, one shall be for a chair of the Committee. The chair shall be a person in North Carolina who understands the connection of high and rigorous standards with student preparation for the world of work and other post high school opportunities.~~"

NORTH CAROLINA TEACHER ACADEMY BOARD OF TRUSTEES

SECTION 1.40.(a) G.S. 115C-296.4 is repealed.

SECTION 1.40.(b) G.S. 120-123(63) is repealed.

SECTION 1.40.(c) G.S. 126-5(c1)(26) is repealed.

NORTH CAROLINA TEACHING FELLOWS COMMISSION

SECTION 1.41.(a) Effective July 1, 2015, Part 2 of Article 24C of Chapter 115C of the General Statutes, G.S. 115C-363.22 through G.S. 115C-363.23A, is repealed.

SECTION 1.41.(b) Effective July 1, 2015, G.S. 116-204 reads as rewritten:

"**§ 116-204. Powers of Authority.**

The Authority is hereby authorized and empowered:

...

~~(9) To collect loan repayments for loans awarded under the Teaching Fellows Program pursuant to G.S. 115C-363.23A if the loan repayment is outstanding for more than 30 days.~~

...."

SECTION 1.41.(c) Effective July 1, 2015, G.S. 120-123(45a) is repealed.

NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS COMMISSION

SECTION 1.42. G.S. 115C-295.1 and G.S. 115C-295.2 are repealed.

GOVERNOR'S COMMISSION ON EARLY CHILDHOOD VISION CARE

SECTION 1.43. Part 35 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-216.75, is repealed.

PART II. ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS

SECTION 2. For the following State boards, committees, and commissions where statutory requirements have been met, these bodies are no longer authorized to meet, provide recommendations, or operate in any capacity.

JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS

SECTION 2.1. The statutory requirements for the Joint Legislative Study Committee on Public School Funding Formulas, established by S.L. 2010-31, have been met.

HIGHER EDUCATION CIVIC EDUCATION STUDY COMMISSION

SECTION 2.2. The statutory requirements for the Higher Education Civic Education Study Commission, established by S.L. 2008-181, have been met.

JOINT LEGISLATIVE COMMITTEE ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION

SECTION 2.3. The statutory requirements of the Joint Legislative Committee on Dropout Prevention and High School Graduation, established by S.L. 2007-323, have been met.

ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE

SECTION 2.4. The statutory requirements of the Advisory Commission on Hospital Infection Control and Disclosure, established by S.L. 2007-480, have been met.

JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY

SECTION 2.5. The statutory requirements of the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery, established by S.L. 2008-181, have been met.

PARTITION SALES STUDY COMMITTEE

SECTION 2.6. The statutory requirements of the Partition Sales Study Committee, established by S.L. 2008-181, have been met.

NORTH CAROLINA NATIONAL GUARD PENSION FUND STUDY COMMITTEE

SECTION 2.7. The statutory requirements of the North Carolina National Guard Pension Fund Study Committee, established by S.L. 2008-181, have been met.

NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATIONAL ADVISORY COUNCIL

SECTION 2.8. The statutory requirements of the North Carolina Professional Employer Organizational Advisory Council, established by S.L. 2004-162, have been met.

LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE

SECTION 2.9. The statutory requirements of the Legislative Commission on Global Climate Change, established by S.L. 2005-442, have been met.

LEGISLATIVE STUDY COMMITTEE ON PUBLIC-PRIVATE PARTNERSHIPS

SECTION 2.10. The statutory requirements of the Legislative Study Committee on Public-Private Partnerships, established by S.L. 2010-152, have been met.

SENATE SELECT COMMITTEE ON GOVERNMENT AND ELECTION REFORM

SECTION 2.11. The statutory requirements of the Senate Select Committee on Government and Election Reform, established pursuant to G.S. 120-19.6, have been met.

JOINT SELECT COMMITTEE ON CAPITAL TRIAL, SENTENCING, AND POST-CONVICTION PROCEDURES FOR PERSONS WHO SUFFER SEVERE MENTAL DISABILITIES

SECTION 2.12. Joint Select Committee on Capital Trial, Sentencing, and Post-Conviction Procedures for Persons Who Suffer Severe Mental Disabilities, established pursuant to G.S. 120-19.6, have been met.

NORTH CAROLINA EDUCATION STANDARDS AND ACCOUNTABILITY COMMISSION

SECTION 2.13. The statutory requirements of the North Carolina Education Standards and Accountability Commission, established by Chapter 117 of the 1993 Session Laws, have been met.

STATE BOARD OF EDUCATION SELECTION COMMITTEE FOR A SUPERINTENDENT

SECTION 2.14. The statutory requirements of the State Board of Education Selection Committee for a Superintendent have been met.

ADVISORY COMMITTEE TO THE NORTH CAROLINA MEMBERS OF THE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT COMMISSION

SECTION 2.15. The statutory requirements of the Advisory Committee to the North Carolina Members of the Low-Level Radioactive Waste Management Compact Commission, established by Chapter 714 of the 1983 Session Laws, have been met.

STUDY COMMISSION ON NORTH CAROLINA'S ENERGY FUTURE

SECTION 2.16. The statutory requirements of the Study Commission on North Carolina's Energy Future, established by S.L. 2009-574, have been met.

LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE

SECTION 2.17. The statutory requirements of the Legislative Study Commission on Water and Wastewater Infrastructure, established by S.L. 2009-574, have been met.

PART III. CONFORMING CHANGES, EFFECT OF HEADINGS, EFFECTIVE DATE

SECTION 3.1. G.S. 115C-64.7 reads as rewritten:

"**§ 115C-64.7. Criteria for dropout prevention grants.**

The following criteria apply to all types of dropout prevention grants approved by the Committee:

(1) Grants shall be issued in varying amounts up to a maximum of one hundred seventy-five thousand dollars ($175,000).

(2) These grants shall be provided to innovative programs and initiatives that target students at risk of dropping out of school and that demonstrate the potential to (i) be developed into effective, sustainable, and coordinated dropout prevention and reentry programs in middle schools and high schools and (ii) serve as effective models for other programs.

(3) Grants shall be distributed geographically throughout the State and throughout the eight educational districts as defined in G.S. 115C-65. No more than three grants shall be awarded in any one county under this section in a single fiscal year.

(4) Grants may be made to local school administrative units, schools, local agencies, or nonprofit organizations. Applications from nonprofits shall be subject to the additional fiscal accountability controls described in G.S. 115C-64.8.

(5) Grants shall be to programs and initiatives that hold all students to high academic and personal standards.

(6) Grant applications shall state (i) how grant funds will be used, (ii) what, if any, other resources will be used in conjunction with the grant funds, (iii) how the program or initiative will be coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community, and (iv) a process for evaluating the success of the program or initiative.

(7) Programs and initiatives that receive grants under this section shall be based on best practices for helping at-risk students achieve successful academic progress, preventing students from dropping out of school, or for increasing the high school completion rate for those students who already have dropped out of school.

(8) Priority for grants shall be given to proposals that (i) demonstrate input from the local community and coordination with other available programs or resources and (ii) provide clear plans for sustaining the program in future years when State funding will no longer be provided.

(9) Grantees shall assure their compliance with applicable laws and rules regulating conflicts of interest.

(10) Priority for grants shall be given to programs that would serve students in local schools that have a four-year cohort graduation rate of less than sixty-five percent (65%). The Committee shall establish a grant rating cutoff score at such a level as to allow for consideration of all viable grants in this priority category. The Committee may require grantees to provide supplemental information in response to any prior reviewer comments.

(11) Priority for grants shall be given to proposals demonstrating the potential for success.

(12) The demonstrated need for a grant, level of collaboration, ability to increase attendance, persistence, academic success, ability to increase parental involvement, and graduation shall be given more weight than the quality of the written grant.

(13) Grants shall be made no later than November 1, 2010 and subsequent years.

The Committee shall report to ~~the Joint Legislative Commission on Dropout Prevention and High School Graduation and~~ the Joint Legislative Education Oversight Committee on the grants awarded under this section by March 1, 2010 and annually thereafter."

SECTION 3.2. G.S. 115C-64.9 reads as rewritten:

"**§ 115C-64.9. Evaluation.**

The Committee shall evaluate the impact of the dropout prevention grants awarded under this Article. In evaluating the impact of the grants, the Committee shall consider:

(1) How grant funds were used, including the services provided for teen pregnancy prevention and for pregnant and parenting teens;

(2) The success of the program or initiative, as indicated by the evaluation process stated in its grant application;

(3) The extent to which the program or initiative has improved students' attendance, test scores, persistence, and graduation rates;

(4) How the program or initiative was coordinated to enhance the effectiveness of existing programs, initiatives, or services in the community;

(5) What, if any, other resources were used in conjunction with the grant funds;

(6) The sustainability of the program;

(7) The number, gender, ethnicity, and grade level of students being served as well as whether the students left school due to pregnancy or parenting responsibilities;

(8) The potential for the program to serve as a model for achieving successful academic progress for at-risk students; and

(9) Other indicators of the impact of the grant on dropout prevention.

The recipients of the dropout prevention grants awarded under this section shall report to the Committee on Dropout Prevention by January 31, 2011, and annually thereafter. The reports shall provide information to assist the Committee in conducting its evaluation. The reports shall include a statement that the recipients used grant funds for the purposes appropriated by the General Assembly and complied with applicable laws, regulations, and terms and conditions of the grant documents. The Committee shall make an interim report of the results of its evaluation of the grants awarded under this section by March 31, 2011, to the ~~Joint Legislative Commission on Dropout Prevention and High School Graduation and to the~~ Joint Legislative Education Oversight Committee. The Committee shall make a final report of the results of its evaluation of the grants awarded under subsection (c) of this section by November 15, 2011, to ~~the Joint Legislative Commission on Dropout Prevention and High School Graduation and to~~ the Joint Legislative Education Oversight Committee."

SECTION 3.3.(a) Part 15 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-317 through G.S. 143B-319, is repealed.

SECTION 3.3.(b) G.S. 143-215.3A(b) reads as rewritten:

"**§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.**

...

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of ~~the Small Business Environmental Advisory Panel,~~ the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses."

SECTION 3.4. The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a part.

SECTION 3.5. The Revisor of Statutes shall, on or after the effective date of this act, correct any reference or citation in the General Statutes that is amended by this act by deleting the incorrect references and substituting correct references.

SECTION 3.6. The Office of the Governor, the Legislative Library, and all State agencies shall update databases related to State boards and commissions to reflect that the boards and commissions set out in this act have been abolished.

SECTION 3.7. The terms of the members currently serving on the boards set out in Part I of this act shall expire on the effective date of this act.

SECTION 3.8. Unless otherwise provided, this act becomes effective July 1, 2011.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 6/17/2011

S. B. No. 593 Amendment No. _____

(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) ~~Tasko~~ Samuelson SLCS

Sen.)

1 moves to amend the bill on page 13, line 19-20

2 ( ) WHICH CHANGES THE TITLE

3 by inserting the following between the lines:

4

5 "SECTION 1.44(a) Article 33 of Chapter

6 116 of the General statutes is repealed.

7 SECTION 1.44(b). G.S. 116-11(12c) is

8 repealed.

9 SECTION 1.44(c) This Section is

10 effective when it becomes law.

11

12

13

14

15

16

17

18

19

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 17, 2011

The Committee on Rules, Calendar and Operations of the House met on June 17, 2011 at 1:51 pm in Room 1327 of the Legislative Building. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representatives Alexander Hackney, Jeffus, and Johnson.

Rep. LaRoque presided.

The Following Bill was considered:

SB 686 2011 Appointments Bill . (Senator Apodaca) Rep Alexander made a motion for the PCS to be before the committee. Vote called motion passes. No discussion or debate. Rep. Hackney motioned for a favorable report as to the PCS, unfavorable to the original Vote was called. Motion passed.

Chair LaRoque adjourned at 1:52 pm.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

6/17/11 #2

Start time 1:51

:p LaRoque Or Moore PCS Alexander

Recognize: Pages__ Sergeant –at-arms___

Bills

Bill Number_____

Rep_____ explained the bill

Discussion on the Bill YES or NO

Rep Huckaby Motioned for :

___favorable report ___adoption

___unfavorable report ✓unfavorable to the bill, Favorable to PCS

___No Vote

___Other: _____

Bill Number_____

Rep_____ explained the bill

Discussion on the Bill YES or NO

Rep_____Motioned for :

___favorable report ___adoption

___unfavorable report ___unfavorable to the bill, Favorable to PCS

___No Vote

___Other:_____

Time Ended 1:52

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 686
Rules and Operations of the Senate Committee Substitute Adopted 6/8/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S686-PCS35294-LG-24

Short Title: 2011 Appointments Bill. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO APPOINT A MEMBER OF THE BOARD OF DIRECTORS FOR THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MINORITY AND MAJORITY LEADERS OF THE SENATE AND 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 President Pro Tempore of the Senate and the Speaker of the House of Representatives; and

Whereas, the President Pro Tempore of the Senate and the Speaker of the House of Representatives have made recommendations; and

Whereas, G.S. 143B-168.12 authorizes the General Assembly to appoint a member of the public to the Board of Directors of the North Carolina Partnership for Children, Inc., upon recommendation of the Minority and Majority Leaders of the Senate and the House of Representatives; and

Whereas, the Minority and the Majority Leaders of the Senate and the House of Representatives have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S APPOINTMENTS

SECTION 1.1. Effective October 1, 2011, Pierre Crawford of Gaston County is appointed to the African-American Heritage Commission for a term expiring on September 30, 2014.

SECTION 1.2. Jack Ingle of Forsyth County and Brad Smith of Mecklenburg County are appointed to the Alarm Systems Licensing Board for terms expiring on June 30, 2014.

SECTION 1.3. Raymond Dancy of Alamance County and James Jennings of Alexander County are appointed to the Board of Public Telecommunications Commissioners of the North Carolina Agency for Public Telecommunication for terms expiring on June 30, 2013.

SECTION 1.4. Michelle Shaw of Harnett County and Noah H. Huffstetler III of Wake County are appointed to the Board of Trustees for the State Health Plan for Teachers and State Employees for terms expiring on June 30, 2013.

SECTION 1.5. Sam Barefoot of Davidson County and Dan Boyce of Wake County are appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for terms expiring on June 30, 2013.

SECTION 1.6. Tony Withers of Wake County, Pat Long of Wake County, Wendell H. Murphy, Sr., of Duplin County, Cassius Williams of Pitt County, and Philip Isley of Wake County are appointed to the Centennial Authority for terms expiring on June 30, 2015.

SECTION 1.7. Maureen Hardin of Wake County and Julie Cardwell of Rockingham County are appointed to the Child Care Commission for terms expiring on June 30, 2013.

SECTION 1.8. Frank Edwards of Wake County is appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for a term expiring on June 30, 2014.

SECTION 1.9. Charles T. Johnson of Wake County, John Hawkins of Durham County, James Festerman of Rockingham County, and Robert Myrick of New Hanover County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2014.

SECTION 1.10. Effective when this act becomes law, Augustus A. Adams of Beaufort County is appointed to the Crime Victims Compensation Commission for a term expiring on June 30, 2013, to fill the unexpired term of Joyce Cutler.

SECTION 1.11. Effective October 1, 2011, J. Anderson Little of Orange County is appointed to the Dispute Resolution Commission for a term expiring on September 30, 2014.

SECTION 1.12. Effective September 1, 2011, Cathy Cloninger of Gaston County, Beth Williams of Catawba County, and Lynne Harlan of Jackson County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2013.

SECTION 1.13. David Rose of Nash County and Lige Daughtridge of Nash County are appointed to the North Carolina's Eastern Region Development Commission for terms expiring on June 30, 2015.

SECTION 1.14. Effective December 1, 2011, James Upham of New Hanover County is appointed to the Economic Investment Committee for a term expiring on November 30, 2013.

SECTION 1.15. The Honorable Daniel Soucek of Watauga County is appointed to the Education Commission of the States for a term expiring on June 30, 2013.

SECTION 1.16. Anna Boyle Roberts of Wake County is appointed to the e-NC Authority for a term expiring on June 30, 2014.

SECTION 1.17. Steve Keen of Wayne County, Marvin Cavanaugh of Forsyth County, and Steve Tedder of Stokes County are appointed to the Environmental Management Commission for terms expiring on June 30, 2013.

SECTION 1.18. Effective October 1, 2011, Gregory Greene of Davidson County is appointed to the Judicial Standards Commission for a term expiring on September 30, 2017.

SECTION 1.19. Helen Brann of Person County, the Honorable Eric Mansfield of Cumberland County, the Honorable James Forrester of Gaston County, Dr. David Y. Huang of Orange County, Glenn Martin of Rockingham County, Dr. Mike Patil of Orange County, and Shonda Corbett of Wake County are appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on June 30, 2013.

SECTION 1.20. Susan Black of Alamance County is appointed to the North Carolina Appraisal Board for a term expiring on June 30, 2014.

SECTION 1.21. Dr. Milan DiGiulio of Wake County is appointed to the North Carolina Board of Athletic Trainer Examiners for a term expiring on July 31, 2014.

SECTION 1.22. Christie Nicholson of Pitt County is appointed to the North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2014.

SECTION 1.23. Effective September 1, 2011, Dorenda Stilwell of Davidson County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2014.

SECTION 1.24. Effective January 1, 2012, Reverend John Shields of Alamance County is appointed to the North Carolina Board of Funeral Service for a term expiring on December 31, 2014.

SECTION 1.25. Josh Herman of Alamance County and Darinda Davis of Buncombe County are appointed to the North Carolina Board of Massage and Bodywork Therapy for terms expiring on June 30, 2014.

SECTION 1.26. Christine Woodhouse of Wake County is appointed to the North Carolina Board of Science and Technology for a term expiring on June 30, 2013.

SECTION 1.27. Effective October 1, 2011, Dale Beatty of Iredell County and Cindy Boyd of Wake County are appointed to the North Carolina Brain Injury Advisory Council for terms expiring on September 30, 2015.

SECTION 1.28. George Howard of Wake County and Christine Mele of Pamlico County are appointed to the North Carolina Clean Water Management Trust Fund Board of Trustees for terms expiring on July 1, 2015.

SECTION 1.29. Ray Rice of Alamance County and Kenneth D. Stafford of Alamance County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on July 1, 2015.

SECTION 1.30. Jim Gusler of Caswell County is appointed to the North Carolina Emergency Medical Services Advisory Council for a term expiring on June 30, 2015.

SECTION 1.31. Fred J. Herndon of Durham County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2015.

SECTION 1.32. Stancil Barnes of Edgecombe County is appointed to the North Carolina Housing Finance Agency Board of Directors for a term expiring on June 30, 2013.

SECTION 1.33. Effective September 1, 2011, Ted Alexander of Cleveland County, Tom E. Smith of Wake County, Sallie Surface of Hertford County, Jeanne C. Tedrow of Wake County, and Rita Thuot of Gaston County are appointed to the North Carolina Housing Partnership for terms expiring on August 31, 2014.

SECTION 1.34. Effective October 1, 2011, Charles Allen of Cumberland County is appointed to the North Carolina Irrigation Contractors' Licensing Board for a term expiring on September 30, 2014.

SECTION 1.35. Reid Hobbs of New Hanover County and Edwin Stott of Rockingham County are appointed to the North Carolina Board for Licensing of Soil Scientists for terms expiring on June 30, 2014.

SECTION 1.36.(a) Effective February 15, 2011, Barry Dodson of Rockingham County is appointed to the North Carolina State Lottery Commission for a term expiring on August 31, 2012, to fill the unexpired term of Norwood Clark.

SECTION 1.36.(b) Effective January 1, 2011, the Honorable Fern Shubert of Union County is appointed to the North Carolina State Lottery Commission for a term expiring on December 14, 2012, to fill the unexpired term of Bridget Ann Hampden.

SECTION 1.37. Carol Carstarphen of Gaston County and Becki Gray of Wake County are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2013.

SECTION 1.38. Effective January 1, 2011, Greer Cawood of Forsyth County is appointed to the Natural Heritage Trust Fund Board of Trustees for a term expiring on December 31, 2017.

SECTION 1.39. Dr. Fred Oliver of Watauga County is appointed to the North Carolina Nursing Scholars Commission for a term expiring on June 30, 2012.

SECTION 1.40. Monroe Pannell of Catawba County and Lisa Wolff of Alamance County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on July 1, 2014.

SECTION 1.41. Jennifer Facciolini of Sampson County and Tim Barnsbeck of Burke County are appointed to the North Carolina Principal Fellows Commission for terms expiring on June 30, 2015.

SECTION 1.42. Lyndalyn Kakadelis of Mecklenburg County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2015.

SECTION 1.43. Duane Long of Wake County and Franklin Rouse of Brunswick County are appointed to the North Carolina Railroad Board of Directors for terms expiring on June 30, 2015.

SECTION 1.44. Cindy Chandler of Mecklenburg County is appointed to the North Carolina Real Estate Commission for a term expiring on June 30, 2014.

SECTION 1.45. Steven Harper of Wake County is appointed to the North Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2014.

SECTION 1.46. Kory Swanson of Wake County is appointed to the North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2013.

SECTION 1.47. W.M. "Marc" Nichols of Johnston County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on June 30, 2013.

SECTION 1.48. William M. Smith of Wake County is appointed to the North Carolina State Building Commission for a term expiring on June 30, 2014.

SECTION 1.49. Paul G. Brooks of Robeson County is appointed to the North Carolina State Commission of Indian Affairs for a term expiring on June 30, 2013.

SECTION 1.50. Michael Lee of New Hanover County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2013.

SECTION 1.51. Dr. Dwight E. Cochran of Wake County is appointed to the North Carolina Veterinary Medical Board for a term expiring on June 30, 2016.

SECTION 1.52. Wendell Murphy, Jr., of Duplin County, Thomas Berry of Guilford County, Mark Craig of Guilford County, and Doc Thurston of Mecklenburg County are appointed to the North Carolina Wildlife Resources Commission for terms expiring on June 30, 2013.

SECTION 1.53. Hood Richardson of Beaufort County, Keith Nixon of Chowan County, and Owen Etheridge of Currituck County are appointed to the North Carolina's Northeast Commission for terms expiring on June 30, 2013.

SECTION 1.54. Bob Graham of Surry County and Edward Cobbler of Guilford County are appointed to the Private Protective Services Board for terms expiring on June 30, 2014.

SECTION 1.55. Joseph R. McLaughlin of Onslow County and Graham Atkinson of Surry County are appointed to the Public Officers and Employees Liability Insurance Commission for terms expiring on June 30, 2015.

SECTION 1.56. John Robbins of Dare County, Robert H. Quinn of Chowan County, and Peregrine White of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2013.

SECTION 1.57. Margaret Currin of Wake County, Addison Bell of Mecklenburg County, Pete Osborne of Guilford County, Bob Rippy of New Hanover County, and Faylene Whitaker of Randolph County are appointed to the Rules Review Commission for terms expiring on June 30, 2013.

SECTION 1.58. Charles DeVane of Bladen County and Mary Louise Childs of Brunswick County are appointed to the Southeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2015.

SECTION 1.59. Effective March 15, 2011, Leslie Merritt, Jr., of Wake County is appointed to the State Ethics Commission for a term expiring on December 31, 2012, to fill the unexpired term of John Gerald Blackmon.

SECTION 1.60. Bill Peaslee of Wake County is appointed to the Property Tax Commission for a term expiring on June 30, 2015.

SECTION 1.61. Rick Martinez of Orange County is appointed to the Board of Trustees of the University of North Carolina Center for Public Television for a term expiring on June 30, 2013.

SECTION 1.62. Billy Yow of Guilford County and Thomas Whitehead of New Hanover County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2014.

SECTION 1.63. Bert Hall of Wilkes County, Randy Banks of Yancey County, Paul Szurek of Buncombe County, and Mark Meadows of Jackson County are appointed to the Western North Carolina Regional Economic Development Commission for terms expiring on June 30, 2015.

PART II. SPEAKER'S APPOINTMENTS

SECTION 2.1. Rick Davis of Henderson County is appointed to the 911 Board for a term expiring on December 14, 2014, to fill the unexpired term of Sheriff Alan Cloniger.

SECTION 2.2. Daniel Gonzalez of Buncombe County and Brian Kramer of Wake County are appointed to the Acupuncture Licensing Board for terms expiring on June 30, 2014.

SECTION 2.3. Effective October 1, 2011, Philip N. Henry of Wake County is appointed to the African-American Heritage Commission for a term expiring on September 30, 2014.

SECTION 2.4. Ira Cline of Catawba County is appointed to the North Carolina Agriculture Finance Authority for a term expiring on July 1, 2014.

SECTION 2.5. Charles McGill of Wake County and the Honorable Timothy Tallent of Cabarrus County are appointed to the North Carolina Appraisal Board for terms expiring on June 30, 2014.

SECTION 2.6. Effective August 1, 2011, Leonard Scott Barringer of Cabarrus County, Rick Proctor of Davidson County, and Kevin Burroughs of Cabarrus County are appointed to the North Carolina Board of Athletic Trainer Examiners for terms expiring on July 31, 2014.

SECTION 2.7. W. Mark Griffith of Wake County is appointed to the State Banking Commission for a term expiring on June 30, 2015.

SECTION 2.8. Effective October 1, 2011, Craig Q. Fitzgerald of Wake County, Kevin Guskiewicz of Orange County, and Dr. Josh Bloom of Wake County are appointed to the North Carolina Brain Injury Advisory Council for terms expiring on September 30, 2015.

SECTION 2.9. Marshall Gurley of Wake County is appointed to the State Building Commission for a term expiring on June 30, 2014.

SECTION 2.10. Kieran Shanahan of Wake County and R. Doyle Parrish of Wake County are appointed to the Centennial Authority for terms expiring on June 30, 2015.

SECTION 2.11. Glenda Weinert of Buncombe County and Janice Price of Mecklenburg County are appointed to the Child Care Commission for terms expiring on June 30, 2013.

SECTION 2.12. Dr. Ricky Sides of Forsyth County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2014.

SECTION 2.13. Frank Bragg of Mecklenburg County is appointed to the Clean Water Management Trust Fund Board of Trustees for a term expiring on July 1, 2015.

SECTION 2.14. Nathan A. "Andy" Matthews of Catawba County and Mark Hicks of Granville County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on July 1, 2015.

SECTION 2.15. Tammy Huffman West of Catawba County is appointed to the Crime Victims Compensation Commission for a term expiring on June 30, 2015.

SECTION 2.16. R. Steven Johnson of Wake County, Patricia Bazemore of Wake County, Angela Williams of Guilford County, and Diane Isaacs of Cumberland County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2013.

SECTION 2.17. Norlan Graves of Halifax County and Victor Watts of Wake County are appointed to the Criminal Justice Information Network Governing Board for terms expiring on June 30, 2015.

SECTION 2.18. Brenda Burgin Ross of Forsyth County is appointed to the NC Board of Dietetics and Nutrition for a term expiring on June 30, 2014.

SECTION 2.19. Effective September 1, 2011, Sherry F. Alloway of Guilford County and Marisol D. Barr of Beaufort County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2013.

SECTION 2.20. Mark Storie of Craven County and Gray Daughtridge of Nash County are appointed to North Carolina's Eastern Region Development Commission for terms expiring on June 30, 2015.

SECTION 2.21. Effective January 1, 2012, Carl R. McKnight of Lincoln County is appointed to the North Carolina Emergency Medical Services Advisory Council for a term expiring on December 31, 2015.

SECTION 2.22. Christopher J. Ayers of Wake County and Clyde E. Smith of Cleveland County are appointed to the Environmental Management Commission for terms expiring on June 30, 2013.

SECTION 2.23. Effective January 1, 2012, James Combs of Moore County is appointed to the North Carolina Board of Funeral Service for a term expiring on December 31, 2014.

SECTION 2.24. Joseph Ramsey of Wake County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2015.

SECTION 2.25. Tom Smith of Wake County, James E. Nance of Stanly County, Paul S. Jaber of Nash County, and James W. Oglesby of Buncombe County are appointed to the North Carolina Housing Finance Agency Board of Directors for terms expiring on June 30, 2015.

SECTION 2.26. Effective September 1, 2011, Melody Smith of Wake County is appointed to the North Carolina Housing Partnership for a term expiring on August 31, 2014.

SECTION 2.27. The Honorable Rick Glazier of Cumberland County is appointed to the Interstate Commission on Educational Opportunity for Military Children State Council to serve at the pleasure of the appointing authority.

SECTION 2.28. Effective October 1, 2011, Zachary Clayton of Wake County and Kyle Suggs of Guilford County are appointed to the Information Technology Advisory Board for terms expiring on September 30, 2013.

SECTION 2.29. Ashley M. Honeycutt of Wake County, the Honorable Tom Murry of Wake County, Leigh Foushee of Johnston County, Stan Haywood of Randolph County, and Wanda Moore of Chowan County are appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on June 30, 2013.

SECTION 2.30. Dan Trobaugh of Guilford County is appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for a term expiring on June 30, 2014.

SECTION 2.31. Mary Jo Cresimore of Wake County and Rodney Hood of Durham County are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2013.

SECTION 2.32.(a) Troy Kickler of Wake County is appointed to the Natural Heritage Trust Fund Board of Trustees for a term expiring on January 1, 2014, to fill the unexpired term of Henry L. Kitchen.

SECTION 2.32.(b) Effective January 1, 2012, Alan D. Briggs of Wake County is appointed to the Natural Heritage Trust Fund Board of Trustees for a term expiring on January 1, 2018.

SECTION 2.33. Rolan H. Vaughan of Chowan County, David B. King of Halifax County, and Mark Hamblin of Beaufort County are appointed to the North Carolina's Northeast Commission for terms expiring on June 30, 2013.

SECTION 2.34. Tina C. Gordon of Wake County is appointed to the North Carolina Nursing Scholars Commission for a term expiring on June 30, 2012.

SECTION 2.35. Effective January 1, 2012, James L. Forte of Wake County is appointed to the North Carolina Board of Nursing for a term expiring on December 31, 2015.

SECTION 2.36. Steven J. Brown of Wake County and Jeffrey A. Knight of Union County are appointed to the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board for terms expiring on July 1, 2014.

SECTION 2.37. Lydia Boesch of Moore County is appointed to the Parks and Recreation Authority for a term expiring on July 1, 2014.

SECTION 2.38. Effective January 1, 2012, Jesse Milliken of Union County, Dorothea Wyant of Cleveland County, and Reverend Adam Hatley of Stanly County are appointed to the Board of Directors of the North Carolina Partnership for Children, Inc., for terms expiring on December 31, 2014.

SECTION 2.39. George Rountree III, of New Hanover County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2013.

SECTION 2.40. Mark T. Cramer of New Hanover County is appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2015.

SECTION 2.41. Jim Stevens of Carteret County is appointed to the Private Protective Services Board for a term expiring on June 30, 2014.

SECTION 2.42. Terry Wheeler of Dare County is appointed to the Property Tax Commission for a term expiring on June 30, 2015.

SECTION 2.43. Mike Causey of Guilford County is appointed to the Public Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2015.

SECTION 2.44. Herb B. Berkowitz of New Hanover County and Donna Martinez of Orange County are appointed to the North Carolina Agency for Public Telecommunications for terms expiring on June 30, 2013.

SECTION 2.45. George Rountree III, of New Hanover County, Walter D. LaRoque IV of Lenoir County, and Dr. James Powell of Alamance County are appointed to the North Carolina Railroad Company Board of Directors for terms expiring on June 30, 2015.

SECTION 2.46. Tommy Lawing, Jr. of Mecklenburg County is appointed to the North Carolina Real Estate Commission for a term expiring on June 30, 2014.

SECTION 2.47. Dale Petty of Dare County, Earl W. Willis, Jr., of Chowan County, and Edward Browning of Washington County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2013.

SECTION 2.48. Garth Dunklin of Mecklenburg County, Stephanie Mansur Simpson of Wake County, and Ralph Walker of Guilford County are appointed to the Rules Review Commission for terms expiring on June 30, 2013.

SECTION 2.49. Ernie Murray of Nash County and Thomas H. Roberg of Wake County are appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for terms expiring on June 30, 2015.

SECTION 2.50. Mark McNeilly of Wake County is appointed to the North Carolina Board of Science and Technology for a term expiring on June 30, 2013.

SECTION 2.51. Fred L. Hines of Wake County is appointed to the North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2013.

SECTION 2.52. Effective January 1, 2012, Jack W. Westall of Buncombe County, Brandon S. Neuman of Wake County, and Eric Margulies of Wake County are appointed to the North Carolina Small Business Contractor Authority for terms expiring on December 31, 2015.

SECTION 2.53. Fred W. Burt of Wake County is appointed to the North Carolina Board of Licensing for Soil Scientists for a term expiring on June 30, 2014.

SECTION 2.54. John R. "Rod" Andrew of New Hanover County and Elizabeth "Beth" Dawson of New Hanover County are appointed to the Southeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2015.

SECTION 2.55. Billy S. Medlin of Moore County and Warren Newton of Orange County are appointed to the State Health Plan for Teachers and State Employees Board of Trustees for terms expiring on June 30, 2013.

SECTION 2.56. Loris Colclough of Forsyth County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2013.

SECTION 2.57. Effective January 14, 2012, Thomas Stith of Durham County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2016.

SECTION 2.58. The Honorable Robert F. Orr of Wake County is appointed to the Board of Trustees of the University of North Carolina Center for Public Television for a term expiring on June 30, 2013.

SECTION 2.59. The Honorable Nelson Dollar of Wake County and the Honorable Grey Mills of Iredell County are appointed to the Virginia-NC Interstate High Speed Rail Compact for terms expiring on June 30, 2013.

SECTION 2.60. Stephen G. Duncan of Buncombe County, the Honorable Wilma M. Sherrill of Buncombe County, Steven Shuford of Catawba County, and Steven Barry Odom of Graham County are appointed to the Western North Carolina Regional Economic Development Commission for terms expiring on June 30, 2015.

SECTION 2.61. John Clark of Sampson County, John Coley of Wake County, Durwood Laughinghouse of Wake County, and Mitch St. Clair of Beaufort County are appointed to the North Carolina Wildlife Resources Commission for terms expiring on June 30, 2013.

PART III. MINORITY AND MAJORITY LEADERS' RECOMMENDATIONS

SECTION 3.1. Effective January 1, 2012, Martha Jane Eblen of Buncombe County, upon the recommendation of the Minority Leader of the Senate, and Sue Lynn Ledford of Wake County, upon the recommendation of the Majority Leader of the Senate, are appointed to the Board of Directors of the North Carolina Partnership for Children, Inc., for terms expiring on December 31, 2014.

SECTION 3.2. Effective January 1, 2012, Sue Russell of Orange County, upon the recommendation of the Minority Leader of the House of Representatives, and Rebecca Ayres of Wake County, upon the recommendation of the Majority Leader of the House of

Representatives, are appointed to the Board of Directors of the North Carolina Partnership for Children, Inc., for terms expiring on December 31, 2014.

PART IV. EFFECTIVE DATE

SECTION 4. Unless otherwise provided, this act becomes effective July 1, 2011.

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 686 A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 18, 2011

The Committee on Rules, Calendar and Operations of the House met on June 18, 2011 at 11:44 around the desk in chamber. The following members were present: Representative LaRoque Chair, Representative Moore Chair, Representatives Alexander, Blust, Crawford, Farmer-Butterfield, Hackney, Jeffus, Luebke, Moffitt, Stam and Stone.

Rep. LaRoque presided.

The Following Bill was considered:

HB 796 Sale of Alcoholic Beverages. (Representative Moffitt, Primary Sponsor) Rep Stam made a motion for the PCS to be before the committee. Vote called motion passes. No discussion or debate. Rep. Stone motioned for a favorable report as to the PCS, unfavorable to the original. Vote was called. Motion passed.

Chair LaRoque adjourned at 11:47 am.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
July 27, 2011

The Committee on Rules, Calendar and Operations of the House met on June 27, 2011 at 9:30 a.m. in room 1227 of the Legislative Building. The following members were present: Representative Moore Chair, Representative Owens Vice Chair, Representatives Blust, Daughtry, Folwell, Hackney, Johnson, Moffitt, Parmon, Samuelson, and Stone.

Rep. Moore presided.

The Following Bill was considered:

HJR 938 Adjournment Resolution. (Representative Moore, Primary Sponsor) Rep. Moore explained the bill. Discussion and debate. Rep. Daughtry made a motion for a favorable report. Vote called and the motion passed.

Chair Moore adjourned at 9:35 a.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

rom:	Nancy Garriss (Rep. Tim Moore)
ent:	Tuesday, July 26, 2011 5:33 PM
To:	Rep. Tim Moore
Cc:	Nancy Garriss (Rep. Tim Moore)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 07-27-2011 at 9:30 a.m. - CORRECTED

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, July 27, 2011
TIME: 9:30 a.m.
LOCATION: **1228**/1327 LB
COMMENTS:

The following bills will be considered:

HJR 938, Adjournment Resolution -2.

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **5 PM** o'clock on **July 26, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

HOUSE JOINT RESOLUTION 938

Sponsors:	Representative T. Moore (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

July 26, 2011

A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

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

SECTION 1. When the Senate and the House of Representatives adjourn on Wednesday, July 27, 2011, they stand adjourned to reconvene on Thursday, July 28, 2011, at 9:00 a.m.

SECTION 2. During the regular session that reconvenes on Thursday, July 28, 2011, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of Senators among those districts and containing no other matter.
  b. Revising the Representative districts and the apportionment of Representatives among those districts and containing no other matter.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts and containing no other matter.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the Constitution of North Carolina, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Bills in which the General Assembly makes an appointment or appointments to public office and which contain no other matter.

(4) Bills:
  a. Proposing an amendment or amendments to the Constitution of North Carolina and containing no other matter.
  b. Proposing an amendment or amendments to the Constitution of North Carolina and containing no other matter other than statutory conforming changes to implement such bills.
  c. Bills that solely make statutory and transitional changes to implement bills under sub-subdivision a. of this subdivision.

(5) Any bills relating to election laws.

(6) Adoption of conference reports for bills which were in conference as of Saturday, June 18, 2011, and conferees had been appointed by both houses as of that date.

(7) Joint resolutions proposing a joint session to consider confirmation of the Governor's appointments to the State Board of Education pursuant to G.S. 115C-10.

(8) Joint resolutions confirming the Governor's appointments to the State Board of Education pursuant to G.S. 115C-10.

(9) A bill adjusting a budgetary provision to allow the Department of Health and Human Services to make inflationary adjustments relating to pharmaceuticals in the Medicaid program.

(10) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 3. This resolution is effective upon ratification.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HJR 938 A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

Rules, Calendar, and Operations of the House

tart time 9:30

Rep LaRoque Or Moore

Recognize: Pages__ Sergeant –at-arms___

Bills

Bill Number #938

Rep Moore explained the bill

Discussion on the Bill YES or NO

Rep Daughtry Motioned for :

✓ favorable report ___adoption

___unfavorable report ___unfavorable to the bill, Favorable to PCS

___No Vote

__Other: _____

Bill Number_____

Rep_____ explained the bill

Discussion on the Bill YES or NO

Rep_____Motioned for :

___favorable report ___adoption

___unfavorable report ___unfavorable to the bill, Favorable to PCS

___No Vote

___Other:_____

Time Ended_____

Bill Number_____

Rep_____ explained the bill

Discussion on the Bill YES or NO

Rep_____Motioned for :

___favorable report ___adoption

___unfavorable report ___unfavorable to the bill, Favorable to PCS

___No Vote

___Other: _____

Bill Number_____

Rep_____ explained the bill

Discussion on the Bill YES or NO

Rep_____Motioned for :

___favorable report ___adoption

___unfavorable report ___unfavorable to the bill, Favorable to PCS

___No Vote

___Other:_____

Bill Number_____

Rep_____ explained the bill

Discussion on the Bill YES or NO

Rep_____Motioned for :

___favorable report ___adoption

___unfavorable report ___unfavorable to the bill, Favorable to PCS

___No Vote

___Other:_____

ROLL CALL VOTE

_____ _____ = _____(TOTAL) HB# _____
YES NO SB# _____

HOUSE STANDING COMMITTEE ON Rules

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
____	____	LaRoque	____	____	
____	____	T. Moore	____	____	
____	____	Owens	____	____	
____	____	Rhyne	____	____	
____	____	M. Alexander	____	____	
____	____	Blust	____	____	
____	____	Crawford	____	____	
____	____	Daughtry	____	____	
____	____	Faison	____	____	
____	____	Farmer-Butterfield	____	____	
____	____	Folwell	____	____	
____	____	Gillespie	____	____	
____	____	Hackney	____	____	
____	____	Hill	____	____	
____	____	Hilton	____	____	
____	____	Jeffus	____	____	
____	____	Johnson	____	____	
____	____	Luebke	____	____	
____	____	McComas	____	____	
____	____	Moffitt			
____	____	Parmon			
____	____	Samuelson			
____	____	Stam			
____	____	Stone			

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 7/27/11 **Room:** 1228

*Name: Alden Smith
County: Cumberland
Sponsor: Glazier
*Name: Josh Hill
County: Cumberland
Sponsor: Glazier
*Name: Elizabeth Dunbar
County: Scotland
Sponsor: Goodman
*Name: John Bullard
County: Cumberland
Sponsor: Glazier
*Name: Ben Degner
County: Davidson
Sponsor: Hurley.

House Sgt-At Arms:

1. Name: Young Bae
2. Name: Billy Jones.
3. Name: Jesse Hayes
4. Name:
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

Rules — 7/27/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Smith	[illegible]
Daniel Bacon	Troutman Sanders
Carolyn Smith	OST
Ann McColl	SAG
Suzanne Beasley	SEANC
Mitch Leonard	SEANC
Cameron McCormick	Office of the Gov
Julia Adams	The Arc of NC
Sarah Preston	ACLU-NC
Steve Metcalf	The Pope Co
NL watch	[illegible]

VISITOR REGISTRATION SHEET

Rules — 7/27/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Margaret Hartzell	Environment North Carolina
Rebecca Trent	NCACC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patrick Bryan	NCAEC
Ted Bowen	Bowen & Assoc.
John Hahn	MFS
Matt Ford	NCSBA
Gene Crosby	NCSCA
PAIGE WORSHAM	LEGISLATIVE REPORTING SERVICE

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
July 28, 2011

The Committee on Rules, Calendar and Operations of the House met on July 28, 2011 at 9:00 a.m. in room 1327 of the Legislative Building. The following members were present: Representative Moore Chair, Representative Owens Vice Chair, Representative Rhyne Vice Chair; Representatives Alexander, Blust, Farmer-Butterfield, Folwell, Hackney, Hill, Hilton, Jeffus, Johnson, McComas, Moffitt, Parmon, Samuelson, Stam, and Stone.

Rep. Moore presided.

The Following Bill was considered:

HJR 938 Adjournment Resolution. (Representative Moore, Primary Sponsor) Rep. Moore recognized Rep. Stone, and he motioned for the PCS before the committee. Rep. Owens 2nd the motion. Rep. Moore explained the bill. Discussion and debate. Rep. Stone made a motion for a favorable report as to the PCS and favorable to the original. Vote called and the motion passed.

Chair Moore adjourned at 9:08 a.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION 938
PROPOSED COMMITTEE SUBSTITUTE H938-PCS30414-LB-92

Sponsors:

Referred to:

July 26, 2011

A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

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

SECTION 1. When the Senate and the House of Representatives adjourn on Thursday, July 28, 2011, they stand adjourned to reconvene on Monday, September 12, 2011, at 12:00 noon.

SECTION 2. During the regular session that reconvenes on Monday, September 12, 2011, only the following matters may be considered:

(1) Bills:
- a. Revising the Senate districts and the apportionment of Senators among those districts.
- b. Revising the Representative districts and the apportionment of Representatives among those districts.
- c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts.
- d. Bills responding to actions related to the Voting Rights Act of 1965.
- e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the Constitution of North Carolina, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Bills in which the General Assembly makes an appointment or appointments to public office and which contain no other matter.

(4) Bills:
- a. Proposing an amendment or amendments to the Constitution of North Carolina and containing no other matter.
- b. Proposing an amendment or amendments to the Constitution of North Carolina and containing no other matter other than statutory conforming changes to implement such bills.
- c. Bills that solely make statutory and transitional changes to implement bills under sub-subdivision a. of this subdivision.

(5) Any bills relating to election laws.

(6) Adoption of conference reports for bills which were in conference as of Thursday, July 28, 2011.
(7) Joint resolutions proposing a joint session to consider confirmation of the Governor's appointments to the State Board of Education pursuant to G.S. 115C-10.
(8) Joint resolutions confirming the Governor's appointments to the State Board of Education pursuant to G.S. 115C-10.
(9) Local bills pending in the House Rules Committee on July 28, 2011.
(10) Bills to ratify and make statutory conforming changes pursuant to a Tribal Compact negotiated by the Governor.
(11) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 3. This resolution is effective upon ratification.

HOUSE JOINT RESOLUTION 938

Sponsors: Representative T. Moore (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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

July 26, 2011

A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

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

SECTION 1. When the Senate and the House of Representatives adjourn on Wednesday, July 27, 2011, they stand adjourned to reconvene on Thursday, July 28, 2011, at 9:00 a.m.

SECTION 2. During the regular session that reconvenes on Thursday, July 28, 2011, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of Senators among those districts and containing no other matter.
  b. Revising the Representative districts and the apportionment of Representatives among those districts and containing no other matter.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts and containing no other matter.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the Constitution of North Carolina, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Bills in which the General Assembly makes an appointment or appointments to public office and which contain no other matter.

(4) Bills:
  a. Proposing an amendment or amendments to the Constitution of North Carolina and containing no other matter.
  b. Proposing an amendment or amendments to the Constitution of North Carolina and containing no other matter other than statutory conforming changes to implement such bills.
  c. Bills that solely make statutory and transitional changes to implement bills under sub-subdivision a. of this subdivision.

(5) Any bills relating to election laws.

(6) Adoption of conference reports for bills which were in conference as of Saturday, June 18, 2011, and conferees had been appointed by both houses as of that date.

(7) Joint resolutions proposing a joint session to consider confirmation of the Governor's appointments to the State Board of Education pursuant to G.S. 115C-10.

(8) Joint resolutions confirming the Governor's appointments to the State Board of Education pursuant to G.S. 115C-10.

(9) A bill adjusting a budgetary provision to allow the Department of Health and Human Services to make inflationary adjustments relating to pharmaceuticals in the Medicaid program.

(10) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 3. This resolution is effective upon ratification.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HJR 938 A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

☒ With a favorable report as to the committee substitute resolution, unfavorable as to the original resolution.

(FOR JOURNAL USE ONLY)

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

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

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

NCGA BINGO

B	I	N	G	O
Constitutional	Worst environmental bill in NC's history	Disenfranchise	Extortion	(Motion to suspend a rule)
Majority minority	One man one vote	Follow up	Bipartisan	Lawsuit
(Member on cell phone in Chamber)	I'll be brief	(COS walks to the podium)	Gerrymandering	Draconian
50+1	(Speaker removes his shoes)	(Someone other than Tillis presides)	Caucus	I moved here because of ___
The lady/ gentleman will suspend	(Member asks seatmate a question)	Disappointed	Adult conversation	(Tree pose performed behind the podium)

http://print-bingo.com

Veto Override/Redistricting Edition

Rules

1. NCGA Bingo is for entertainment purposes only.
2. Cards may only be played during floor debate.
3. One person/one card.
4. There is no cost to join the game and no monetary prize given for the winner – we play for bragging rights only!
5. Instead of "calling" numbers, words/actions on the Bingo cards must be uttered/performed by members of the NCGA (staff/pages do not qualify unless specifically mentioned).
6. Performing/coordinating an action to win NCGA Bingo is prohibited – unless you don't get caught!
7. To win, you must have five squares in a row (either vertical, horizontal, diagonal) and announce the win on Twitter with **#ncgabingo.**
   a. If a member of the NCGA wins, they have the option of using the word "BINGO" in a floor speech in lieu of Twitter.
8. Bonus – if one of the following occurs, the user is given their choice of free square:
   a. Quoting the Magna Carta
   b. Someone gets arrested in/outside Chamber

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 7-28-11 **Room:** 1228

***Name:**	Annie Twisdale	Tyler Rhodes
County:	Vance	Buncombe
Sponsor:	Wray	Fisher
***Name:**	Trent Miller	Jordan Lassiter
County:	Forsyth	Pitt
Sponsor:	Folwell	McLawhorn
Name:	Keslee Snuggs	Brock MacDonald
County:	Wake	Forsyth
Sponsor:	Tolson	Folwell
***Name:**	Cameron Castleberry	Diamond Maldonado
County:	Wake	Forsyth
Sponsor:	Avila	Parmon
***Name:**	Elaina Francis	Olesea Gethers
County:	Cleveland	New Hanover
Sponsor:	Tillis	Hamilton

House Sgt-At Arms:

1. **Name:** Martha Parrish
   Name: Martha Gadison
3. **Name:** Avi Reca
4. **Name:** _____
5. **Name:** _____
6. **Name:** _____

VISITOR REGISTRATION SHEET

Rules — 7-28-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Metts	Policy Group
David Starling	DST
Andy Ellen	NCRMA
PAIGE WORSHAM	LEGISLATIVE REPORTING SERVICE
Michelle Frazier	MF+S
Paul Sherron	NCFB
[illegible]	NCICU
Matt Farrell	NCSBA
[illegible]	NHRS
DANIEL BAUM	TROUTMAN SANDERS
[illegible]	[illegible]

VISITOR REGISTRATION SHEET

Rules — 7-28-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Keene	NCHS
Sarah Preston	ACLU-NC
John Hardin	MFJ
Jillie Robinson	NCSEA
Tom Beans	NCSEA, NCWF, EDF
Cody Thomas	NCAR
Wendy Kelly	
Meredith Swinson	Policy Group
Forrest Gilliam	Governor's Office
Mitch Leonard	SEANC
Chuck Stone	SEANC
Patrick Buffkin	NCASC

VISITOR REGISTRATION SHEET

Rules — 7/28/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Mitchell	Ruling Corp.
David McSwain	NC Realtors

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
September 12, 2011

The Committee on Rules, Calendar and Operations of the House met on September 12, 2011 at 1:12 pm. room 544 of the Legislative Office Building. The following members were present: Representative Moore, Chair, Representative LaRoque, Chair; Representative Owens Vice Chair, Representatives Alexander, Blust, Crawford, Faison, Daughtry, Farmer-Butterfield, Folwell, Gillespie, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Parmon, Saine, Samuelson, Stam, and Stone.

Rep. Moore presided.

The Following Bill was considered:

SB 514, Nutrient Management Plan Only For NSW Adjournment Resolution. (Senator Brunsetter, Primary Sponsor) Rep Moore recognized Rep Stam and he motioned for the PCS before the committee. Rep. Stam explained the bill. Discussion and debate on the bill. Rep. Stam made a motion for a favorable report as to the PCS, that changes the title to Defense of Marriage, unfavorable to the Senate Committee Substitute. Vote called and the motion passed.

Chair Moore adjourned at 2:15 pm.

Respectfully submitted:

Rep. Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, September 12, 2011
TIME: 1:00 pm
LOCATION: 425 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 514	Nutrient Management Plan Only For NSW.	Senator Brunstetter

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **September 12, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 514*
House Committee Substitute Favorable 6/15/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S514-CSRCx-51 [v.1]

9/12/2011 12:51:27 PM

Short Title: Defense of Marriage. (Public)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE BETWEEN ONE MAN AND ONE WOMAN IS THE ONLY DOMESTIC LEGAL UNION THAT SHALL BE VALID OR RECOGNIZED IN THIS STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 14 of the North Carolina Constitution is amended by adding the following new section:

"**Sec. 6. Marriage.**

Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide election to be held on the date of the first primary in 2012, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to provide that marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 4. The amendment set out in Section 1 of this act is effective upon certification.

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

STATEMENT BEFORE THE JUDICIARY I COMMITTEE

Maxine Eichner, Reef C. Ivey II Professor of Law, University of North Carolina School of Law

Thank you Mr. Chairman, Members of the Committee,

My name is Maxine Eichner, and I'm the Reef Ivey Professor of Law at UNC Law School. My specialty is in the area of family law. I've come today to discuss the legal consequences of the proposed substitute to the Amendment.

The bill before you has been called a bill that simply constitutionalizes the current ban on same-sex marriage. Make no mistake about it: this bill goes much further. If the Senate wanted simply to ban same-sex marriage, it could use the same language already in the current statute. That language bans any *marriage* except that between a man and a woman. The ban before you, which bars the state from *recognizing* or treating as *valid* any *domestic legal union* except heterosexual marriage, is far broader.

The proposed language certainly makes same-sex marriage unconstitutional. It also certainly bans civil unions and the domestic partnerships that a number of municipalities currently offer. And it could potentially ban far more rights of unmarried partners. But we don't know how many more. The current bill would introduce into the Constitution a phrase whose meaning is unclear on its face, and which has never been used in any prior law in North Carolina, never been interpreted by its courts, and never been interpreted by courts in any other state.

There's a reasonable chance that courts could construe this language broadly to interfere with the rights of committed but unmarried couples in a number of legal areas. Based on narrower language in the Ohio constitution, a number of domestic violence perpetrators had their convictions overturned when Ohio appellate courts held that domestic violence protections were unconstitutional as applied to unmarried couples. The Nebraska Attorney General determined that it would violate the state's Constitution for the state to give domestic partners the simple right to dispose of their deceased partner's remains. The Michigan Supreme Court reasoned on narrower language than our own that *no* rights whatsoever could be accorded by the state to unmarried partners.

Although the proposed revision to the Amendment ensures that the Amendment won't prohibit private contracts between parties, many important rights and protections do not involve contract. These include protections against domestic violence, child custody and visitation rights to further the best interests of children, and wills, trusts, and other end-of-life arrangements. These and others may be invalidated by the proposed Amendment. I urge the committee to reject passing a bill whose scope is unclear and is potentially far broader than its sponsors may realize, whose effects are uncertain and could cause significant harm to citizens, and whose meaning would take years of expensive and needless litigation to settle.

Contact information: meichner@unc.edu (919)280-3952

ALLIANCE DEFENSE FUND
Defending Our First Liberty

MEMORANDUM

TO: House Majority Leader Paul Stam
North Carolina House of Representatives

RE: Meaning of proposed Marriage Amendment, including impact on private business and contracts

DATE: September 9, 2011

The proposed amendment to the North Carolina Constitution regarding marriage provides:

> "Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts."

This language is premised on the idea that granting *legal status* to non-marital relationships (opposite-sex or otherwise) undermines marriage. In contrast, the granting of *benefits* to an unmarried individual(s), without regard to his or her personal relationships, does not undermine marriage because it is not an official sanction of a relationship.

Although unnecessary, the second sentence of the amendment affirms the narrowness of its scope and application as being only to the State of North Carolina and its political subdivisions. The constitution does not generally govern private matters and is a limitation on the power of the state.

Therefore, this proposed amendment protects the meaning of marriage, permits statutory rights or benefits to be extended to all individual citizens (though only to

married couples on the basis of a relational status),[1] and affirms the absence of its application to private contracts, businesses, and affairs.

What is a "domestic legal union"?

Neither the General Assembly nor the courts of North Carolina have ever used the phrase "legal union." Because legislative history is of minimal judicial value in North Carolina, *see, e.g., Electric Supply Co. of Durham, Inc. v. Swain Elec. Co., Inc.*, 328 N.C. 651, 657 (1991), the clear meaning of "legal union" in other contexts and usages may be instructive.[2] This is because the aim of any reviewing court will be "to discover the connotation which the legislature attached to the words, phrases, and clauses employed, (thus) the words of a statute must be taken in the sense in which they were understood at the time when the statute was enacted, and the statute must be construed as it was intended to be understood when it was passed." *Southern Bell Tel. & Tel. Co. v. Clayton*, 266 N.C. 687, 689, 147 S.E.2d 195, 196 (N.C. 1966) (citations omitted).

First, the word "legal" is a term of art, *Lorillard v. Pons*, 434 U.S. 575, 583 (1978), and its usage confines the reach of the amendment to those unions or statuses that derive their existence from the law. *See, e.g., Griffin v. U.S.*, 502 U.S. 46, 58 (1991)

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[1] Neither the legislature nor any local governmental entity can extend benefits to a "couple" without creating a legal status for them. As further described below, any governmental recognition of a legal status for an unmarried couple would violate the "only legal union" limitation.

[2] This is not to say that legislative histories in North Carolina are of no value whatsoever. North Carolina's courts do sometimes utilize legislative histories in their attempts to discern the meaning of various legislative enactments. *See, e.g., State v. Hunt*, 357 N.C. 257, 268-70, 582 S.E.2d 593, 600-02 (2003) (tracing the legislative history of the short-form indictment), *cert. denied*, 539 U.S. 985 (2003); *State ex rel. North Carolina Milk Comm'n v. National Food Stores, Inc.*, 270 N.C. 323, 154 S.E.2d 548 (1967); *Printing Services of Greensboro, Inc. v. American Capital Group, Inc.*, 180 N.C. App. 70, 76, 637 S.E.2d 230, 233 (N.C. App. 2006); *Puckett v. KPMG, LLP*, 2006 WL 3325709 (N.C. Super. 2006).

(regarding the legal foundation of "legal error"); *Menominee Indian Tribe of Wisconsin v. U.S.*, 39 Fed. Cl. 441, 456 (Fed. Cl. 1997) (regarding the legal foundation of "legal claims"); *In re J.R.*, 156 Wash. App. 9, 17, 230 P.3d 1087, 1091 (Wash. App. 2010) (regarding the legal foundation of "legal guardianship"); *Osbeck v. Golfside Auto Sales, Inc.*, 2010 WL 2572713, *4 (E.D. Mich. 2010) (regarding the legal foundation of "legal representative); *Detroit Water Team Joint Venture v. Agricultural Ins. Co.*, 371 F.3d 336, 339 (6th Cir. 2004) (regarding the legal foundation of "legal obligation"). Thus, the amendment does not apply in circumstances where either there is no union established or recognized by the government.

For purposes of federal law, "'marriage' means only a *legal union* between one man and one woman as husband and wife . . . ." 1 U.S.C. § 7 (2005) (emphasis added). This federal definition of marriage, enacted in 1996, is consistent with the long-standing definition in *Black's Law Dictionary*: marriage is the "*[l]egal union* of one man and one woman as husband and wife." BLACK'S LAW DICTIONARY 876 (5th ed. 1979) (emphasis added). The phrase "legal union" has never been challenged as vague in the context of a governmentally recognized family status. Thus, in the context of a marriage provision, with the additional modifier of "domestic," "legal union" could not reasonably be construed to refer to some other kind of union, such as a trade or labor union, or even a credit union. In fact, no trade union, credit union, or other form of union has ever been referenced by a court as a "domestic legal union." Both the verbiage itself, coupled with the context of its usage, makes the meaning of "legal union" in the proposed amendment quite clear.

Additionally, the phrase "legal union" also encompasses civil unions,[3] domestic partnerships,[4] same-sex marriages,[5] and any other variety of governmentally recognized familial relationship.[6] For example, in California, the phrase "legal unions" is well defined in both statutory and case law to mean any kind of officially recognized status for biologically unrelated adults joined together in an intimate relationship. The California Family Code states as follows:

> A *legal union* of two persons of the same sex, other than a marriage, that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership as defined in this part, shall be recognized as a valid domestic partnership in this state *regardless of whether it bears the name domestic partnership.*

Cal. Fam. Code § 299.2 (emphasis added). In commenting on this statute, the California Court of Appeal stated: "a same-sex *legal union* that is valid in another jurisdiction will be recognized by California as a domestic partnership (§ 299.2), but not as a marriage (§ 308.5)." *Knight v. Superior Ct.*, 128 Cal. App. 4th 14, 21 (Cal. Ct. App. 2005) (emphasis added). Thus, the California Family Code and the Court of Appeal call same-sex relationships with official status "legal unions." Indeed, in *Knight*, the Court of Appeal referred to officially recognized domestic partnerships (including opposite-sex domestic

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[3] *See Bishop v. Oklahoma ex rel. Edmondson*, 447 F. Supp. 2d 1239, 1249 (N.D. Okla. 2006), *rev'd in part on other grounds by Bishop v. Oklahoma*, 333 Fed. Appx. 361 (10th Cir. 2009) (referencing a Vermont civil union as a "legal union").

[4] *See Velez v. Smith*, 142 Cal. App. 4th 1154, 1173, 48 Cal.Rptr.3d 642 (Cal. Ct. App. 2006) (acknowledging a California domestic partnership as a "legal union"); *Bishop*, 447 F. Supp. 2d at 1250 (referencing a California domestic partnership as a "legal union").

[5] *See Bishop*, 447 F. Supp. 2d at 1249-50 (referencing a Canadian "same-sex marriage" as a "legal union").

[6] *See Quarto v. Adams*, 395 N.J. Super. 502, 516, 929 A.2d 1111 (2007) (referencing the "legal unions" of same-sex couples); *State v. Holm*, 137 P.3d 726, 772 (Utah 2006) (referencing the possibility of a co-habiting couple entering into some form of "legal union").

partnerships) as "unions" or "legal unions" eleven times. *See Knight*, 128 Cal. App. 4th at 18 (referring to "such unions"); 19 (describing marriage and domestic partnerships as "two types of *unions*"); 21 (quoting the "*legal union*" language of the statute and again referring to any state-recognized same-sex relationship as a "*legal union*"); 24 ("such unions"); 25 (referring to intent of laws of other states as being "to prohibit the recognition of *other types of domestic unions or partnerships*"); 29 ("such *unions*"); 31 (referring to a registered domestic partnership as a "*legal union*"; to "children of the *union*"; to "the benefits associated with their [domestic partners'] *union*"; and to "the two types of *unions* [marriage and domestic partnerships]") (emphasis added).

Given the longstanding usage of "legal union" to refer to marriage, and the explicit use of "legal union" to refer to any kind of officially recognized domestic partnership or same-sex relationship in the law of other states or countries (*e.g.*, California, Massachusetts, or even Canada), it would seem specious to argue that the phrase "legal union" is vague when used in the context of a marriage amendment. In other words, the concept of a "legal union" is well settled as an all-encompassing kind of officially recognized status for biologically unrelated adults joined together in an intimate relationship. Its usage in the context of a marriage amendment would only serve to bolster the strength and clarity of the amendment.

Constitutional Principles

As previously stated, the proposed amendment would not regulate the private interactions of individuals and businesses. This is true even if the proposed amendment contained only its first sentence. This is because the constitution applies only to

government action and does not govern interactions between private parties. The North Carolina Supreme Court has made this abundantly clear:

> As a matter of fundamental jurisprudence the Constitution itself does not recognize or create rights which may be asserted against individuals. Instead, the Constitution is the instrument by which "We, the people of the State of North Carolina," first acknowledge our individual rights and liberties and then create a government to better secure our enjoyment of those rights and liberties. The significant fact is that "We, the people," created the Constitution and the government of our State in order to limit our actions as the body politic. The Constitution is intended to protect our rights as individuals from our actions as the government. The Constitution is not intended to protect our rights vis-a-vis other individuals.

Corum v. Univ. of North Carolina Through Bd. Of Governors, 330 N.C. 761, 787-88, 413 S.E.2d 276, 292-93 (1992). This same principle is true for the federal constitution. *Johnson v. Mayo Yarns, Inc.*, 126 N.C. App. 292, 298, 484 S.E.2d 840, 844 (1997) (Greene, J., concurring) ("the United States Constitution ... does not secure rights to individuals against other individuals") (*citing Pub. Util. Comm'n v. Pollak*, 343 U.S. 451, 461, 72 S. Ct. 813, 820, 96 L. Ed. 1068, 1077 (1952)). Thus, private individuals and businesses, and their private contractual matters, would not be affected by the proposed amendment.

Forbid Private Contracts?

Beyond general constitutional principles, the second sentence of the proposed amendment makes clear that the scope of the amendment does not impact private dealings. Even if the second sentence did not exist, the amendment could not be construed to impact private contracts. This is because a "legal union" should not be confused with the private conduct and/or contracts of private entities. *See, e.g., State v. Holm*, 137 P.3d 726, 743 (Utah 2006) ("We agree with the dissent's statement that any

two people may make private pledges to each other and that these relationships do not receive legal recognition . . . .").

Of course, a marriage is not merely a private contract as it involves both the individuals purporting to marry as well as the state. *Ritchie v. White*, 225 N.C. 450, 35 S.E.2d 414, 415 (1945) ("There are three parties to a marriage contract-the husband, the wife and the State. For this reason marriage is denominated a status, and certain incidents are attached thereto by law which may not be abrogated without the consent of the third party, the State."); *Dudley v. Dudley*, 225 N.C. 83, 86, 33 S.E.2d 489, 491 (1945) ("Marriage is not a private affair, involving the contracting parties alone. Society has an interest in the marital status of its members . . . ."). Conversely, the parties to a contract do not necessarily carry a joint legal status like "spouse," but carry certain *individual* rights and remedies arising at law to each.

Likewise, the proposed amendment would not prohibit private employers from contracting or otherwise extending benefits based on its own internal policies. Any status employed by the company for the extension of benefits is not one derived at law, but created by the company to do business as it sees fit. Thus, if a company in North Carolina wanted to extend certain privileges or benefits to one of its employees because that employee possessed a same-sex marriage license from another jurisdiction, the proposed amendment would not impede that company's ability to do so.[7]

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[7] Thus, employers like Duke Power and others who presently offer same-sex domestic-partner benefits will not have to cease so doing upon adoption of the proposed amendment. *See* http://www2.journalnow.com/news/opinion/2011/sep/09/wsopin02-victor-flatt-guest-columnist-gops-discrim-ar-1369979/.

Finally, the proposed amendment would protect private companies from being forced by government to accord a status to unmarried relationships, since so doing would be to give legal status to the relationships. Thus, the amendment does not prohibit private companies from according benefits to others how they see fit. Therefore, the proposed amendment protects private businesses in both (a) preventing forced recognition of non-marital relationships, and (b) assuring their freedom to recognize relationships in a manner that is consistent with their business plan or practices.

Concerned With Benefits?

The proposed amendment does not proscribe the dissemination of any form of benefit or privilege, even if such benefits support the same-sex partner of a governmental employee. The proposed amendment is, by its own language, unconcerned with benefits. What the proposed amendment does is limit to only marriage the types of domestic legal unions that may form the basis for the dissemination of benefits. For example, under the proposed amendment, the State of North Carolina could allow its employees to designate any one additional person as a beneficiary of any retirement benefits they might receive, or as a beneficiary of their health coverage. The fact that the same-sex partner of a state employee might be designated as that beneficiary would be completely permissible under such a scheme since the dissemination of the benefits is not premised on any domestic legal union.

Judicial Enforcement?

The proposed amendment would not interfere with the enforcement of private contracts, nor prohibit the creation of a set of default rules for a private contract, so long

as the government and courts do not accord official status to any domestic relationship created by the contract,[8] but rather treats the individuals as individual parties to a contract. The judicial enforcement of the individual rights of the parties to a private contract remains completely permissible under the proposed amendment.

The Idaho Experience

In 2006, the State of Idaho enacted a marriage amendment virtually identical to North Carolina's proposed amendment. When the Idaho Attorney General was asked in 2006 to interpret Idaho's then-proposed constitutional language to determine whether it would prevent private-sector recognition of same-sex relationships, he concluded that it would not. "[E]mployers and employees" would be able to "contract for the provision of, for example, health care benefits or leave benefits to be provided to same-sex couples where one of the individuals works for the employer." *See* Idaho Attorney General Opinion No. 06-1 at 20. Two years later, after the Idaho amendment's passage, the Attorney General affirmed that interpretation. *See* February 4, 2008 Letter to Senator Fulcher RE: File No. 08-21508 (interpreting the Idaho amendment in the context of a municipal health insurance program for same-sex domestic partners).[9]

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[8] No private contract, terminable by its terms or the will by either party, can qualify as a domestic legal union of two persons. A domestic legal union is created only when the state designates an official domestic relationship through licensing and/or regulation. Unmarried persons entering a private contract of any nature would not run afoul of the proposed amendment any more than unmarried persons to execute a standard power-of-attorney form.

[9] *Available at* http://oldsite.alliancedefensefund.org/userdocs/IdahoAGOpinion.pdf.

ALLIANCE DEFENSE FUND
Defending Our First Liberty

MEMORANDUM

TO: House Majority Leader Paul Stam
North Carolina House of Representatives

RE: Meaning of proposed Marriage Amendment, including impact on private business and contracts

DATE: September 12, 2011

The proposed amendment to the North Carolina Constitution regarding marriage provides:

> "Marriage between ~~a~~ one man and ~~a~~ one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts."

This language is premised on the idea that granting *legal status* to non-marital relationships (opposite-sex or otherwise) undermines marriage. In contrast, the granting of *benefits* to an unmarried individual(s), without regard to his or her personal relationships, does not undermine marriage because it is not an official sanction of a relationship.

Although unnecessary, the second sentence of the amendment affirms the narrowness of its scope and application as being only to the State of North Carolina and its political subdivisions. The constitution does not generally govern private matters and is a limitation on the power of the state.

Therefore, this proposed amendment protects the meaning of marriage, permits statutory rights or benefits to be extended to all individual citizens (though only to

married couples on the basis of a relational status),[1] and affirms the absence of its application to private contracts, businesses, and affairs.

What is a "domestic legal union"?

Neither the General Assembly nor the courts of North Carolina have ever used the phrase "legal union." Because legislative history is of minimal judicial value in North Carolina, *see, e.g., Electric Supply Co. of Durham, Inc. v. Swain Elec. Co., Inc.*, 328 N.C. 651, 657 (1991), the clear meaning of "legal union" in other contexts and usages may be instructive.[2] This is because the aim of any reviewing court will be "to discover the connotation which the legislature attached to the words, phrases, and clauses employed, (thus) the words of a statute must be taken in the sense in which they were understood at the time when the statute was enacted, and the statute must be construed as it was intended to be understood when it was passed." *Southern Bell Tel. & Tel. Co. v. Clayton*, 266 N.C. 687, 689, 147 S.E.2d 195, 196 (N.C. 1966) (citations omitted).

First, the word "legal" is a term of art, *Lorillard v. Pons*, 434 U.S. 575, 583 (1978), and its usage confines the reach of the amendment to those unions or statuses that derive their existence from the law. *See, e.g., Griffin v. U.S.*, 502 U.S. 46, 58 (1991)

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[1] Neither the legislature nor any local governmental entity can extend benefits to a "couple" without creating a legal status for them. As further described below, any governmental recognition of a legal status for an unmarried couple would violate the "only domestic legal union" limitation.

[2] This is not to say that legislative histories in North Carolina are of no value whatsoever. North Carolina's courts do sometimes utilize legislative histories in their attempts to discern the meaning of various legislative enactments. *See, e.g., State v. Hunt*, 357 N.C. 257, 268-70, 582 S.E.2d 593, 600-02 (2003) (tracing the legislative history of the short-form indictment), *cert. denied*, 539 U.S. 985 (2003); *State ex rel. North Carolina Milk Comm'n v. National Food Stores, Inc.*, 270 N.C. 323, 154 S.E.2d 548 (1967); *Printing Services of Greensboro, Inc. v. American Capital Group, Inc.*, 180 N.C. App. 70, 76, 637 S.E.2d 230, 233 (N.C. App. 2006); *Puckett v. KPMG, LLP*, 2006 WL 3325709 (N.C. Super. 2006).

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒ House Committee Substitute # 1 for

SB 514 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NUTRIENT MANAGEMENT PLAN SHALL NOT BE ADOPTED OR IMPLEMENTED FOR SURFACE WATERS OF THE STATE UNLESS THOSE WATERS HAVE BEEN CLASSIFIED AS NUTRIENT SENSITIVE WATERS.

☒ With a favorable report as to House committee substitute bill 2, which changes the title, unfavorable as to House committee substitute bill 1.

(FOR JOURNAL USE ONLY)

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

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

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

VISITOR REGISTRATION SHEET

RULES — 9/12-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Curtis Huffman	General Public
Mark Turner	Concerned Citizen
Tanya Callahan	NC Coalition for Marchiavian
Paige Johnson	Planned Parenthood
Paula A. Wolff	NC NOW
Sarah Preston	ACLU-NC
Chris Fitzsimon	NC Policy Watch
David Bale	Self-Help
Andrew Spainhour	Replacements, Ltd.
Mac Miller	Equality NC
Bob Geary	indyweek

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Karin Quimby	HRC
Marshall Hurley	Marshall Hurley PLLC
Donald Hankins	Retired Citizen - Creedmoor, NC
Kay Paksoy	NASW-NC
Casey Wilkinson	NCDP
David Starling	NCDST
Adam Attarian	
Joanne L Beckman	2301 Mont Haven Dr. Durham, NC 27712
Pastor Barton	Anchor Baptist Church
Mike Rogers	Amerman Baptist Tabernacle
[illegible]	TSS

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Daniel Moose	Raleigh, NC
Fyl Koch	Raleigh NC
Penny Griffin	School of Gov
Mary Maclean Asbill	Southern Env. La. Center
Margaret Hartzell	Environment North Carolina
Colleen Kochanek	NC Coalition Against Domestic Violence
Sarah Beaman	CAh
Brenda Roberts	For Sqwe Church
Bill Westbrook	Wake Up Church USA
Joseph Williams	Wake up Church
Brenda Kirkland	Wake up church

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Dunn	
	WCSO
David Harvell	
Robert Dunn	
Rev. Stalcup	
Wes Stiles	
Carolyn "	
Chantele Phillips	
Gary Higgins	
Justin Hayes	
Megan Levine	

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tammy Wood	
Dustin Whittemore	
Robert Murray	
Paul Henderson	
Danny L Spruce	
Greg Gallagher	
Ron Lewis	
Brad Hall	TWC
Courtney Crowder	Office of the Governor

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
September 12, 2011

The Committee on Rules, Calendar and Operations of the House met on September 12, 2011 at 6:30 pm. room 1228 of the Legislative Building. The following members were present: Representative Moore Chair, Representative LaRoque, Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Hackney, Hill, Jeffus, Johnson, Moffitt, Parmon, Saine, Samuelson, Stam, and Stone.

Rep. LaRoque presided.

The Following Bill was considered:

SB 354 Rental Property/ Lithium Battery Smoke Alarms. (Senator Bingham, Primary Sponsor) Rep LaRoque recognized Rep Moore and he motioned for the PCS before the committee. Rep. Moore explained the bill. No discussion and debate on the bill. Rep. Samuelson made a motion for a favorable report as to the PCS, that changes the title to Futher Modify 2011 Appointments Bill., unfavorable to the Senate Committee Substitute. Vote called and the motion passed.

Chair LaRoque adjourned at 6:45 pm.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

om: Nancy Garriss (Rep. Tim Moore)
nt: Monday, September 12, 2011 6:22 PM
To: Sen. Stan Bingham
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Mon, 09-12-2011 at 6:30 p.m.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, September 12, 2011
TIME: 6:30 p.m.
OCATION: 1327 LB
OMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 354	Rental Property/Lithium Battery Smoke Alarms.	Senator Bingham

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **6 PM** o'clock on **September 12, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 354
Health Care Committee Substitute Adopted 5/4/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S354-PCS95118-LG-29

Short Title: Further Modify 2011 Appointments Bill. (Public)

Sponsors:

Referred to:

March 17, 2011

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2011 APPOINTMENTS BILL.

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Dave Burton of Wake County is appointed to the Portal Project Review Committee to serve at the pleasure of the appointing authority.

SECTION 1.2. William Albert "Pete" Rodda of Forsyth County is appointed to the Local Government Commission for a term expiring on June 30, 2013, to fill the unexpired term of Frederick Turnage.

PART II. SPEAKER'S RECOMMENDATIONS

SECTION 2.1. Neal W. Sizemore of Stokes County is appointed to the 911 Board for a term expiring on December 31, 2014, to fill the unexpired term of David Dodd.

SECTION 2.2. Marcie Houseman of Moore County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2015.

PART III. MODIFICATIONS TO 2011 APPOINTMENTS

SECTION 3.1. Section 1.9 of S.L. 2011-176 reads as rewritten:

"**SECTION 1.9.** Charles T. Johnson of Wake County, John Hawkins of Durham County, James Festerman of Rockingham County, and Robert Myrick of New Hanover County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on ~~June 30, 2014.~~June 30, 2013."

SECTION 3.2. Section 1.18 of S.L. 2011-176 reads as rewritten:

"**SECTION 1.18.** Effective ~~October 1, 2011,~~January 1, 2012, Gregory Greene of Davidson County is appointed to the Judicial Standards Commission for a term expiring on ~~September 30, 2017.~~December 31, 2017."

SECTION 3.3. Section 2.49 of S.L. 2011-176 reads as rewritten:

"**SECTION 2.49.** Ernie Murray of Nash County and ~~Thomas H. Roberg of Wake~~ Paul Powell of Guilford County are appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for terms expiring on June 30, 2015."

SECTION 3.4. Section 2.52 of S.L. 2011-176 reads as rewritten:

"**SECTION 2.52.** Effective January 1, 2012, Jack W. Westall of Buncombe ~~County,~~County and Brandon S. Neuman of Wake ~~County, and Eric Margulies of Wake~~ County are appointed to the North Carolina Small Business Contractor Authority for terms expiring on December 31, 2015."

SECTION 3.5. Section 2.57 of S.L. 2011-176 reads as rewritten:

"**SECTION 2.57.** ~~Effective January 14, 2012,~~ Thomas Stith of Durham County is appointed to the North Carolina Turnpike Authority for a term expiring on ~~January 14, 2016.~~January 14, 2015."

SECTION 3.6. Section 2.1 of S.L. 2011-406 reads as rewritten:

"**SECTION 2.1.(a)** Kent P. Misegades of Wake ~~County, Matthew F. Nolan of Wake County, and Ryan M. Graven of Guilford County are~~ County is appointed to the Board of Directors of the North Carolina Global TransPark Authority for ~~terms~~ a term expiring on June 30, 2015.

"**SECTION 2.1.(b)** Matthew F. Nolan of Wake County and Ryan M. Graven of Guilford County are appointed to the Board of Directors of the North Carolina Global TransPark Authority for terms expiring on June 30, 2013."

PART IV. EFFECTIVE DATE

SECTION 4. Unless otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 354
Health Care Committee Substitute Adopted 5/4/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S354-PCS95118-LG-29

Short Title: Further Modify 2011 Appointments Bill. (Public)

Sponsors:

Referred to:

March 17, 2011

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2011 APPOINTMENTS BILL.

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Dave Burton of Wake County is appointed to the Portal Project Review Committee to serve at the pleasure of the appointing authority.

SECTION 1.2. William Albert "Pete" Rodda of Forsyth County is appointed to the Local Government Commission for a term expiring on June 30, 2013, to fill the unexpired term of Frederick Turnage.

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"**SECTION 2.1.(b)** Matthew F. Nolan of Wake County and Ryan M. Graven of Guilford County are appointed to the Board of Directors of the North Carolina Global TransPark Authority for terms expiring on June 30, 2013."

PART IV. EFFECTIVE DATE

SECTION 4. Unless otherwise provided, this act is effective when it becomes law.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 354 A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2011, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TAMPER-RESISTANT, TEN-YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

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SB 354 A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2011, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TAMPER-RESISTANT, TEN-YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

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

VISITOR REGISTRATION SHEET

Rules Comm — 9-12-2011 — 630 Pm

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Frazier	MFTS
Jake Cashwell	NC Chamber
Jessi Hays	NC HBA
Lisa Martin	NC HBA
Chuck Stone	SEANC
Mitch Leonard	SEANC
Marge Forman	NCAE
PAIGE WORSHAM	LEGISLATIVE REPORTING SERVICE

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
September 13, 2011

The Committee on Rules, Calendar and Operations of the House met on September 13, 2011 at 5:00 p.m. room 1228 of the Legislative Building. The following members were present: Representative Moore Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Crawford, Daughtry, Farmer-Butterfield, Folwell, Gillespie, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, Moffitt, Saine, Samuelson, Stam, and Stone.

Rep. Moore presided.

The Following bills were considered:

HB 335 Prison Mait./ Justice Reiv/ Tech Corr. (Rep. Guice; Horn; Burr; Daughtry, Primary Sponsors) Rep. Moore recognized Rep. Stam and he motioned for the PCS before the committee. Rep. Spear explained the bill. Discussion and debate on the bill. Rep. Stam made a motion for the bill to be adopted. Vote called and the motion passed.

HB 326 Buncombe Local Sales Tax For Comm. Colleges. (Rep. Moffitt, Primary Sponsor) Rep. Moore recognized Rep. Owens and he made a motion for the PCS be before the committee. Rep. Moore recognized Rep. Moffitt to explain the bill. No discussion or debate on the bill. Rep. Moore recognized Rep. Owens. He made a motion for a favorable report as to the PCS, unfavorable to the original with a re-referral to the Finance committee.

Chair Moore adjourned at 6:10 pm.

Respectfully submitted:

Rep. Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

m: Nancy Garriss (Rep. Tim Moore)
...it: Tuesday, September 13, 2011 2:46 PM
To: Rep. Tim Moore
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tue, 09-13-2011 at 5:00 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, September 13, 2011
TIME: 5:00 pm
LOCATION: 1327 LB
OMMENTS: Bill to be announced

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **September 13, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 335
Second Edition Engrossed 4/14/11
Proposed Conference Committee Substitute H335-PCCS11262-LBf-8

Short Title: Prison Maint/Justice Reinv/Tech Corr. (Public)

Sponsors:

Referred to:

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF PUBLIC SAFETY TO STUDY CONTRACTING FOR MAINTENANCE SERVICES AT PRISON FACILITIES AND TO TEMPORARILY LIMIT EXPANSION OF PRIVATE MAINTENANCE CONTRACTS AT PRISON FACILITIES; TO MAKE CLARIFYING CHANGES TO CERTAIN PROBATION STATUTES AND TO THE JUSTICE REINVESTMENT ACT; TO MAKE CLARIFYING CHANGES TO THE LAW RELATING TO PROVISIONAL DRIVERS LICENSES, MAKING A CHANGE TO THE BUDGET TECHNICAL CORRECTIONS BILL AND A TECHNICAL CHANGE TO S.L. 2011-313; TO PROVIDE BONDSMAN ACCESS TO CRIMINAL COURT RECORDS; TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998; AND TO CLARIFY THE QUALIFICATIONS OF PUBLIC MEMBERS OF THE NORTH CAROLINA HOME INSPECTOR LICENSURE BOARD.

The General Assembly of North Carolina enacts:

PART I. MAINTENANCE OF PRISONS

SECTION 1.1. The Department of Correction shall study the potential benefits and costs of contracting for maintenance services at prison facilities and report its findings to the 2013 Session of the General Assembly. The Department shall not expand private maintenance contracts to additional prison facilities unless authorized by the 2013 Session of the General Assembly.

SECTION 1.2. Effective January 1, 2012, Section 1.1 of this act reads as rewritten:

"**SECTION 1.1.** The Department of ~~Correction~~ Public Safety shall study the potential benefits and costs of contracting for maintenance services at prison facilities and report its findings to the 2013 Session of the General Assembly. The Department shall not expand private maintenance contracts to additional prison facilities unless authorized by the 2013 Session of the General Assembly."

PART II. JUSTICE REINVESTMENT/CLARIFICATIONS

SECTION 2.1. Effective December 1, 2011, G.S. 15A-1343(b)(2), as amended by Section 1 of S.L. 2011-62, reads as rewritten:

"(b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

(2) Remain ~~accessible to the probation officer by making the defendant's whereabouts known to the officer and not leave the county of residence or the State of North Carolina~~ within the jurisdiction of the court unless granted written permission to leave by the court or his probation officer.

...."

SECTION 2.2. Effective December 1, 2011, Section 4 of S.L. 2011-62 reads as rewritten:

"**SECTION 4.** This act becomes effective December 1, ~~2011, and applies to persons placed on probation on or after that date.~~2011. Sections 1 and 2 of this act apply to offenses committed on or after December 1, 2011. Section 3 of this act applies to persons placed on probation on or after December 1, 2011."

SECTION 2.3.(a) G.S. 15A-1343(a1)(3), as enacted by Section 1(c) of S.L. 2011-192, reads as rewritten:

"(a1) Community and Intermediate Probation Conditions. – In addition to any conditions a court may be authorized to impose pursuant to G.S. 15A-1343(b1), the court may include any one or more of the following conditions as part of a community or intermediate punishment:

...

(3) Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month.

...."

SECTION 2.3.(b) G.S. 15A-1343.2(e)(5), as enacted by Section 1(d) of S.L. 2011-192, reads as rewritten:

"(e) Delegation to Probation Officer in Community Punishment. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Division of Community Corrections in the Department of Correction may require an offender sentenced to community punishment to do any of the following:

...

(5) Submit to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month.

...."

SECTION 2.3.(c) G.S. 15A-1343.2(f), enacted by Section 1(e) of S.L. 2011-192, reads as rewritten:

"(f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Division of Community Corrections in the Department of Correction may require an offender sentenced to intermediate punishment to do any of the following:

...

(6) Submit to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate

months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month.

...."

SECTION 2.3.(d) G.S. 15A-1344(d2), as enacted by Section 4(c) of S.L. 2011-192, reads as rewritten:

"(d2) Confinement in Response to Violation. – When a defendant has violated a condition of probation other than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a 90-day period of confinement for a defendant under supervision for a felony conviction or a period of confinement of up to 90 days for a defendant under supervision for a misdemeanor conviction. The court may not revoke probation unless the defendant has previously received a total of two periods of confinement under this subsection. A defendant may receive only two periods of confinement under this subsection. If the time remaining on the defendant's maximum imposed sentence is ~~less than 90 days,~~ 90 days or less, then the term of confinement is for the remaining period of the sentence. Confinement under this section shall be credited pursuant to G.S. 15-196.1.

If a defendant is arrested for violation of a condition of probation and is lawfully confined to await a hearing for the violation, then the judge shall first credit any confinement time spent awaiting the hearing to any confinement imposed under this subsection; any excess time shall be credited to the activated sentence. The period of confinement imposed under this subsection on a defendant who is on probation for multiple offenses shall run concurrently on all cases related to the violation. Confinement shall be immediate unless otherwise specified by the court.

A defendant shall serve any confinement imposed under this subsection in the correctional facility where the defendant would have served an active sentence."

SECTION 2.3.(e) Subsection (d) of this section becomes effective December 1, 2011, and applies to probation violations occurring on or after that date. The remainder of this section becomes effective December 1, 2011, and applies to offenses committed on or after that date.

SECTION 2.4.(a) G.S. 15A-1340.17(e), as amended by Section 2(f) of S.L. 2011-192, reads as rewritten:

"(e) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms up to 339 Months. – Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class B1 through Class E felonies. The first figure in each cell of the table is the minimum term and the second is the maximum term.

15-30	16-32	17-33	18-34	19-35	20-36	21-38	22-39
23-40	24-41	25-42	26-44	27-45	28-46	29-47	30-48
31-50	32-51	33-52	34-53	35-54	36-56	37-57	38-58
39-59	40-60	41-62	42-63	43-64	44-65	45-66	46-68
47-69	48-70	49-71	50-72	51-74	52-75	53-76	54-77
55-78	56-80	57-81	58-82	59-83	60-84	61-86	62-87
63-88	64-89	65-90	66-91	67-93	68-94	69-95	70-96
71-98	72-99	73-100	74-101	75-102	76-104	77-105	78-106
79-107	80-108	81-110	82-111	83-112	84-113	85-114	86-115
87-117	88-118	89-119	90-120	91-122	92-123	93-124	94-125
95-126	96-128	97-129	98-130	99-131	100-132	101-134	102-135

103-136	104-137	105-138	106-140	107-141	108-142	109-143	110-144
111-146	112-147	113-148	114-149	115-150	116-152	117-153	118-154
119-155	120-156	121-158	122-159	123-160	124-161	125-162	126-164
127-165	128-166	129-167	130-168	131-170	132-171	133-172	134-173
135-174	136-176	137-177	138-178	139-179	140-180	141-182	142-183
143-184	144-185	145-186	146-188	147-189	148-190	149-191	150-192
151-194	152-195	153-196	154-197	155-198	156-200	157-201	158-202
159-203	160-204	161-206	162-207	163-208	164-209	165-210	166-212
167-213	168-214	169-215	170-216	171-218	172-219	173-220	174-221
175-222	176-224	177-225	178-226	179-227	180-228	181-230	182-231
183-232	184-233	185-234	186-236	187-237	188-238	189-239	190-240
191-242	192-243	193-244	194-245	195-246	196-248	197-249	198-250
199-251	200-252	201-254	202-255	203-256	204-257	205-258	206-260
207-261	208-262	209-263	210-264	211-266	212-267	213-268	214-269
215-270	216-271	217-273	218-274	219-275	220-276	221-278	222-279
223-280	224-281	225-282	226-284	227-285	228-286	229-287	230-288
231-290	232-291	233-292	234-293	235-294	236-296	237-297	238-298
239-299	240-300	241-302	242-303	243-304	244-305	245-306	246-308
247-309	248-310	249-311	250-312	251-314	252-315	253-316	254-317
255-318	256-320	257-321	258-322	259-323	260-324	261-326	262-327
263-328	264-329	265-330	266-332	267-333	268-334	269-335	270-336
271-338	272-339	273-340	274-341	275-342	276-344	277-345	278-346
279-347	280-348	281-350	282-351	283-352	284-353	285-354	286-356
287-357	288-358	289-359	290-360	291-362	292-363	293-364	294-365
295-366	296-368	297-369	298-370	299-371	300-372	301-374	302-375
303-376	304-377	305-378	306-380	307-381	308-382	309-383	310-384
311-386	312-387	313-388	314-389	315-390	316-392	317-393	318-394
319-395	320-396	321-398	322-399	323-400	324-401	325-402	326-404
327-405 ~~328-408~~328-406	329-407	330-408	331-410	332-411	333-412	334-413
335-414	336-416	337-417	338-418	339-419".			

SECTION 2.4.(b) This section becomes effective December 1, 2011, and applies to offenses committed on or after that date.

SECTION 2.5. Section 4(d) of S.L. 2011-192 reads as rewritten:

"**SECTION 4.(d)** ~~This~~ Subsection (a) of this section ~~is~~ becomes effective December 1, 2011, and applies to offenses committed on or after that date. Subsections (b) and (c) of this section become effective December 1, 2011, and apply to probation violations occurring on or after that date."

SECTION 2.6.(a) G.S. 15A-145.2(c), as amended by Section 5(b) of S.L. 2011-192, reads as rewritten:

"(c) Whenever any person who has not previously been convicted of (i) any felony offense under any state or federal laws; (ii) any offense under Chapter 90 of the General Statutes; or (iii) an offense under any statute of the United States or any state relating to controlled substances included in any schedule of Chapter 90 of the General Statutes or to that paraphernalia included in Article 5B of Chapter 90 of the General Statutes, pleads guilty to or has been found guilty of ~~(i)~~ a misdemeanor under ~~this~~ Article 5 of Chapter 90 of the General Statutes by possessing a controlled substance included within Schedules I through VI of Chapter 90, or by possessing drug paraphernalia as prohibited by G.S. 90-113.22 or ~~(ii)~~pleads guilty to or has been found guilty of a felony under G.S. 90-95(a)(3), the court may, upon application of the person not sooner than 12 months after conviction, order cancellation of the judgment of conviction and expunction of the records of the person's arrest, indictment or information, trial, and conviction. A conviction in which the judgment of conviction has been

canceled and the records expunged pursuant to this subsection shall not be thereafter deemed a conviction for purposes of this subsection or for purposes of disqualifications or liabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions of Article 5 of Chapter 90 of the General Statutes. Cancellation and expunction under this subsection may occur only once with respect to any person. Disposition of a case under this subsection at the district court division of the General Court of Justice shall be final for the purpose of appeal.

The granting of an application filed under this subsection shall cause the issue of an order to expunge from all official records, other than the confidential files retained under G.S. 15A-151, all recordation relating to the petitioner's arrest, indictment or information, trial, finding of guilty, judgment of conviction, cancellation of the judgment, and expunction of records pursuant to this subsection.

The judge to whom the petition is presented is authorized to call upon a probation officer for additional investigation or verification of the petitioner's conduct since conviction. If the court determines that the petitioner was convicted of (i) a misdemeanor under Article 5 of Chapter 90 of the General Statutes for possessing a controlled substance included within Schedules I through VI of Article 5 of Chapter 90 of the General Statutes or for possessing drug paraphernalia as prohibited in G.S. 90-113.22 or (ii) a felony under G.S. 90-95(a)(3), that the petitioner has no disqualifying previous convictions as set forth in this subsection, that the petitioner was not over 21 years of age at the time of the offense, that the petitioner has been of good behavior since his or her conviction, that the petitioner has successfully completed a drug education program approved for this purpose by the Department of Health and Human Services, and that the petitioner has not been convicted of a felony or misdemeanor other than a traffic violation under the laws of this State at any time prior to or since the conviction for the offense in question, it shall enter an order of expunction of the petitioner's court record. The effect of such order shall be to restore the petitioner in the contemplation of the law to the status the petitioner occupied before arrest or indictment or information or conviction. No person as to whom such order was entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failures to recite or acknowledge such arrest, or indictment or information, or conviction, or trial in response to any inquiry made of him or her for any purpose. The judge may waive the condition that the petitioner attend the drug education school if the judge makes a specific finding that there was no drug education school within a reasonable distance of the defendant's residence or that there were specific extenuating circumstances which made it likely that the petitioner would not benefit from the program of instruction.

The court shall also order all law enforcement agencies, the Department of Correction, the Division of Motor Vehicles, and any other State or local agencies identified by the petitioner as bearing records of the conviction and records relating thereto to expunge their records of the conviction. The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150."

SECTION 2.6.(b) This section becomes effective January 1, 2012, and applies to persons entering a plea or who are found guilty of an offense on or after that date.

SECTION 2.7. Effective January 1, 2012, G.S. 15A-1340.18(c), as enacted by Section 5(c) of S.L. 2011-192, reads as rewritten:

"(c) ~~The~~ When imposing an active sentence for an eligible defendant, the court, in its discretion and without objection from the prosecutor, may ~~include a risk reduction incentive or incentives in sentencing an eligible defendant to an active sentence.~~ order that the Department of Correction admit the defendant to the ASR program. The Department of Correction shall admit to the ASR program only those defendants for which ASR is ordered in the sentencing judgment."

SECTION 2.8. Effective January 1, 2012, G.S. 15A-1340.18(e), as enacted by Section 5(c) of S.L. 2011-192, reads as rewritten:

"(e) The defendant shall be notified at sentencing that if the defendant completes the risk reduction incentives as identified by the Department, then he or she will be released on the ASR ~~date.~~ date, as determined by the Department pursuant to the provisions of subsection (d) of this section. If the Department determines that the defendant is unable to complete the incentives by the ASR date, through no fault of the defendant, then the defendant shall be released at the ASR date."

SECTION 2.9. Except as otherwise provided, this Part becomes effective December 1, 2011.

PART III. TECHNICAL CORRECTIONS AND CLARIFICATION

SECTION 3.1. G.S. 68-25(b1), as enacted by S.L. 2011-313, is repealed.

SECTION 3.2. Section 6 of S.L. 2011-385 reads as rewritten:

"**SECTION 6.** ~~Sections 1, 2, and 3 of this act become effective October 1, 2011, and apply to limited learner's permits and limited provisional licenses issued on or after that date.~~ Section 1 of this act becomes effective October 1, 2011, and applies to persons issued a limited provisional license on or after that date. Section 2 of this act becomes effective January 1, 2012, and applies to persons issued a limited learner's permit on or after that date. Section 3 of this act becomes effective January 1, 2012, and applies to persons issued a limited provisional license on or after that date. Section 4 of this act becomes effective ~~October 1, 2011,~~ January 1, 2012, and applies to offenses committed on or after that date. The remainder of this act becomes effective October 1, 2011."

SECTION 3.3. Section 20 of S.L. 2011-391 is repealed.

PART IV. BAIL BONDSMEN

SECTION 4.1. Article 71 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"**§ 58-71-200. Bondsman access to criminal court records.**

(a) In order to assist licensed sureties and their agents in evaluating potential and current clients for the purposes of bail, the Administrative Office of the Courts shall provide any individual with a current license to act as professional bondsman, surety bondsman, or runner with access to search criminal records in the Administrative Office of the Courts' real-time criminal information systems.

(b) Access granted under subsection (a) of this section shall be limited to information systems containing general criminal case information, as maintained by the clerks of superior court. Access shall not include systems for the production of criminal process by law enforcement officials and judicial officials under G.S. 15A-301.1 or other information not subject to public disclosure.

(c) Access provided pursuant to subsection (a) of this section shall be without charge for individual searches of the Administrative Office of the Courts' criminal information systems. In order to defray the costs of establishing access, the Administrative Office of the Courts shall charge initial setup fees equivalent to its fees for governmental agencies granted access to its systems to each individual granted access pursuant to subsection (a) of this section.

(d) All hardware, software, telecommunications charges, or other expenditures required for such access shall be the sole responsibility of the individual bondsman or runner. No State funds may be expended for any such expenses.

(e) The Commissioner shall coordinate the access granted under subsection (a) of this section by providing all information requested by the Administrative Office of the Courts for the establishment of access. The Administrative Office of the Courts shall not provide access to any bondsman or runner who fails to provide all information requested by the Commissioner.

(f) The Commissioner shall notify the Administrative Office of the Courts within 24 hours of any action to suspend or revoke a bondsman's or runner's license or authority to act as a bondsman or runner. The Administrative Office of the Courts shall immediately revoke access of the suspended or revoked bondsman or runner to its criminal information systems.

(g) The Administrative Office of the Courts shall provide to the Commissioner copies of its current policies for access to court information systems for users outside the Judicial Branch. Any bondsman or runner granted access pursuant to subsection (a) of this section shall adhere to all such policies. The Administrative Office of the Courts shall revoke access of any bondsman or runner who violates such policies.

(h) It is unlawful for any person to willfully do any of the following:

(1) For any person to access information systems of the Administrative Office of the Courts by means of an online identifier, as defined in G.S. 14-208.6(1n), that was assigned to another individual by the Administrative Office of the Courts pursuant to subsection (a) of this section.

(2) For any bondsman or runner granted access pursuant to subsection (a) of this section to allow any other person, directly or indirectly, to make use of access granted to the bondsman or runner pursuant to subsection (a) of this section.

(3) For any bondsman or runner granted access pursuant to subsection (a) of this section to make use of that access at any time when the bondsman or runner knows or has reason to know that his or her license issued under this Article is in a state of suspension or revocation.

(4) For any bondsman or runner granted access pursuant to subsection (a) of this section to distribute, in any medium or manner, information obtained from the information systems of the Administrative Office of the Courts to any person for any reason not directly related to the evaluation of the individual to whom the information pertains for the purposes of bail.

Unless the conduct is covered under some other provision of law providing for a greater punishment, any violation of this subsection shall be a Class H felony."

SECTION 4.2.(a) Section 8 of S.L. 2011-377 is repealed.

SECTION 4.2.(b) G.S. 15A-544.5(d)(4) reads as rewritten:

"(4) If neither the district attorney nor the board of education has filed a written objection to the motion by the twentieth day after the motion is ~~served,~~ served by the clerk of superior court pursuant to Rule 4 of the Rules of Civil Procedure, the clerk shall enter an order setting aside the ~~forfeiture.~~ forfeiture, regardless of the basis for relief asserted in the motion, the evidence attached, or the absence of either."

SECTION 4.2.(c) G.S. 15A-544.5(d)(4), as amended by Section 9(b) of this act, reads as rewritten:

"(4) If neither the district attorney nor the attorney for the board of education has filed a written objection to the motion by the twentieth day after a copy of the motion is ~~served,~~served by the clerk of superior court pursuant to Rule 4 of the Rules of Civil Procedure, the clerk shall enter an order setting aside the forfeiture, regardless of the basis for relief asserted in the motion, the evidence attached, or the absence of either."

PART V. WATER SUPPLY LINES

SECTION 5. Notwithstanding Section 5.1(b) of S.L. 1998-132, the Secretary of Environment and Natural Resources shall grant a waiver to allow additional connections to a bond-funded waterline within an area designated as WS-I or the critical area of any area that

has been designated as WS-II, WS-III, or WS-IV by the Environmental Management Commission pursuant to G.S. 143-214.5, provided the design capacity and size of the existing bond-funded waterline can accommodate the additional connections and the purpose of the additional connection is for either of the following reasons:

(1) To address an existing threat to public health or water quality.

(2) To provide water to a habitable structure located on a lot zoned for a single-family residence. There is no requirement that the habitable structure existed on the lot at the time of the construction of the bond-funded waterline.

PART VI. HOME INSPECTOR LICENSURE BOARD CLARIFICATION

SECTION 6. G.S. 143-151.46(a)(1) reads as rewritten:

"(a) Membership. – The North Carolina Home Inspector Licensure Board is established in the Department of Insurance. The Board shall be composed of the Commissioner of Insurance or the Commissioner's designee and seven additional members appointed as follows:

(1) A public member who is not actively engaged in one of the professional categories in subdivisions (2) through (4) of this subsection, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

...."

SECTION 7. Except as otherwise provided herein, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 335
Second Edition Engrossed 4/14/11
Proposed Conference Committee Substitute H335-CCSLBf-8 [v.4]

9/13/2011 4:55:15 PM

Short Title: Prison Maint/Justice Reinv/Tech Corr. (Public)

Sponsors:

Referred to:

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF PUBLIC SAFETY TO STUDY CONTRACTING FOR MAINTENANCE SERVICES AT PRISON FACILITIES AND TO TEMPORARILY LIMIT EXPANSION OF PRIVATE MAINTENANCE CONTRACTS AT PRISON FACILITIES; TO MAKE CLARIFYING CHANGES TO CERTAIN PROBATION STATUTES AND TO THE JUSTICE REINVESTMENT ACT; TO MAKE CLARIFYING CHANGES TO THE LAW RELATING TO PROVISIONAL DRIVERS LICENSES, MAKING A CHANGE TO THE BUDGET TECHNICAL CORRECTIONS BILL AND A TECHNICAL CHANGE TO S.L. 2011-313; TO PROVIDE BONDSMAN ACCESS TO CRIMINAL COURT RECORDS; TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998.; AND TO CLARIFY THE QUALIFICATIONS OF PUBLIC MEMBERS OF THE NORTH CAROLINA HOME INSPECTOR LICENSURE BOARD.

The General Assembly of North Carolina enacts:

PART I. MAINTENANCE OF PRISONS

SECTION 1.1. The Department of Correction shall study the potential benefits and costs of contracting for maintenance services at prison facilities and report its findings to the 2013 Session of the General Assembly. The Department shall not expand private maintenance contracts to additional prison facilities unless authorized by the 2013 Session of the General Assembly.

SECTION 1.2. Effective January 1, 2012, Section 1.1 of this act reads as rewritten:

"**SECTION 1.1.** The Department of ~~Correction~~ Public Safety shall study the potential benefits and costs of contracting for maintenance services at prison facilities and report its findings to the 2013 Session of the General Assembly. The Department shall not expand private maintenance contracts to additional prison facilities unless authorized by the 2013 Session of the General Assembly."

PART II. JUSTICE REINVESTMENT/CLARIFICATIONS

SECTION 2.1. Effective December 1, 2011, G.S. 15A-1343(b)(2), as amended by Section 1 of S.L. 2011-62, reads as rewritten:

"(b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

(2) Remain ~~accessible to the probation officer by making the defendant's whereabouts known to the officer and not leave the county of residence or the State of North Carolina~~ within the jurisdiction of the court unless granted written permission to leave by the court or his probation officer.

...."

SECTION 2.2. Effective December 1, 2011, Section 4 of S.L. 2011-62 reads as rewritten:

"**SECTION 4.** This act becomes effective December 1, ~~2011, and applies to persons placed on probation on or after that date.~~2011. Sections 1 and 2 of this act apply to offenses committed on or after December 1, 2011. Section 3 of this act applies to persons placed on probation on or after December 1, 2011."

SECTION 2.3.(a) G.S. 15A-1343(a1)(3), as enacted by Section 1(c) of S.L. 2011-192, reads as rewritten:

"(a1) Community and Intermediate Probation Conditions. – In addition to any conditions a court may be authorized to impose pursuant to G.S. 15A-1343(b1), the court may include any one or more of the following conditions as part of a community or intermediate punishment:

...

(3) Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month.

...."

SECTION 2.3.(b) G.S. 15A-1343.2(e)(5), as enacted by Section 1(d) of S.L. 2011-192, reads as rewritten:

"(e) Delegation to Probation Officer in Community Punishment. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Division of Community Corrections in the Department of Correction may require an offender sentenced to community punishment to do any of the following:

.....

(5) Submit to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month.

....."

SECTION 2.3.(c) G.S. 15A-1343.2(f), enacted by Section 1(e) of S.L. 2011-192, reads as rewritten:

"(f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Division of Community Corrections in the Department of Correction may require an offender sentenced to intermediate punishment to do any of the following:

.....

(6) Submit to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate

months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month.

....."

SECTION 2.3.(d) G.S. 15A-1344(d2), as enacted by Section 4(c) of S.L. 2011-192, reads as rewritten:

"(d2) Confinement in Response to Violation. – When a defendant has violated a condition of probation other than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a 90-day period of confinement for a defendant under supervision for a felony conviction or a period of confinement of up to 90 days for a defendant under supervision for a misdemeanor conviction. The court may not revoke probation unless the defendant has previously received a total of two periods of confinement under this subsection. A defendant may receive only two periods of confinement under this subsection. If the time remaining on the defendant's maximum imposed sentence is ~~less than 90 days,~~ 90 days or less, then the term of confinement is for the remaining period of the sentence. Confinement under this section shall be credited pursuant to G.S. 15-196.1.

If a defendant is arrested for violation of a condition of probation and is lawfully confined to await a hearing for the violation, then the judge shall first credit any confinement time spent awaiting the hearing to any confinement imposed under this subsection; any excess time shall be credited to the activated sentence. The period of confinement imposed under this subsection on a defendant who is on probation for multiple offenses shall run concurrently on all cases related to the violation. Confinement shall be immediate unless otherwise specified by the court.

A defendant shall serve any confinement imposed under this subsection in the correctional facility where the defendant would have served an active sentence."

SECTION 2.3.(e) Subsection (d) of this section becomes effective December 1, 2011, and applies to probation violations occurring on or after that date. The remainder of this section becomes effective December 1, 2011, and applies to offenses committed on or after that date.

SECTION 2.4.(a) G.S. 15A-1340.17(e), as amended by Section 2(f) of S.L. 2011-192, reads as rewritten:

"(e) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms up to 339 Months. – Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class B1 through Class E felonies. The first figure in each cell of the table is the minimum term and the second is the maximum term.

15-30	16-32	17-33	18-34	19-35	20-36	21-38	22-39
23-40	24-41	25-42	26-44	27-45	28-46	29-47	30-48
31-50	32-51	33-52	34-53	35-54	36-56	37-57	38-58
39-59	40-60	41-62	42-63	43-64	44-65	45-66	46-68
47-69	48-70	49-71	50-72	51-74	52-75	53-76	54-77
55-78	56-80	57-81	58-82	59-83	60-84	61-86	62-87
63-88	64-89	65-90	66-91	67-93	68-94	69-95	70-96
71-98	72-99	73-100	74-101	75-102	76-104	77-105	78-106
79-107	80-108	81-110	82-111	83-112	84-113	85-114	86-115
87-117	88-118	89-119	90-120	91-122	92-123	93-124	94-125
95-126	96-128	97-129	98-130	99-131	100-132	101-134	102-135

103-136	104-137	105-138	106-140	107-141	108-142	109-143	110-144
111-146	112-147	113-148	114-149	115-150	116-152	117-153	118-154
119-155	120-156	121-158	122-159	123-160	124-161	125-162	126-164
127-165	128-166	129-167	130-168	131-170	132-171	133-172	134-173
135-174	136-176	137-177	138-178	139-179	140-180	141-182	142-183
143-184	144-185	145-186	146-188	147-189	148-190	149-191	150-192
151-194	152-195	153-196	154-197	155-198	156-200	157-201	158-202
159-203	160-204	161-206	162-207	163-208	164-209	165-210	166-212
167-213	168-214	169-215	170-216	171-218	172-219	173-220	174-221
175-222	176-224	177-225	178-226	179-227	180-228	181-230	182-231
183-232	184-233	185-234	186-236	187-237	188-238	189-239	190-240
191-242	192-243	193-244	194-245	195-246	196-248	197-249	198-250
199-251	200-252	201-254	202-255	203-256	204-257	205-258	206-260
207-261	208-262	209-263	210-264	211-266	212-267	213-268	214-269
215-270	216-271	217-273	218-274	219-275	220-276	221-278	222-279
223-280	224-281	225-282	226-284	227-285	228-286	229-287	230-288
231-290	232-291	233-292	234-293	235-294	236-296	237-297	238-298
239-299	240-300	241-302	242-303	243-304	244-305	245-306	246-308
247-309	248-310	249-311	250-312	251-314	252-315	253-316	254-317
255-318	256-320	257-321	258-322	259-323	260-324	261-326	262-327
263-328	264-329	265-330	266-332	267-333	268-334	269-335	270-336
271-338	272-339	273-340	274-341	275-342	276-344	277-345	278-346
279-347	280-348	281-350	282-351	283-352	284-353	285-354	286-356
287-357	288-358	289-359	290-360	291-362	292-363	293-364	294-365
295-366	296-368	297-369	298-370	299-371	300-372	301-374	302-375
303-376	304-377	305-378	306-380	307-381	308-382	309-383	310-384
311-386	312-387	313-388	314-389	315-390	316-392	317-393	318-394
319-395	320-396	321-398	322-399	323-400	324-401	325-402	326-404
327-405	~~328-408~~328-406	329-407	330-408	331-410	332-411	333-412	334-413
335-414	336-416	337-417	338-418	339-419".			

SECTION 2.4.(b) This section becomes effective December 1, 2011, and applies to offenses committed on or after that date.

SECTION 2.5. Section 4(d) of S.L. 2011-192 reads as rewritten:

"**SECTION 4.(d)** ~~This~~ Subsection (a) of this section ~~is~~ becomes effective December 1, 2011, and applies to offenses committed on or after that date. Subsections (b) and (c) of this section become effective December 1, 2011, and apply to probation violations occurring on or after that date."

SECTION 2.6.(a) G.S. 15A-145.2(c), as amended by Section 5(b) of S.L. 2011-192, reads as rewritten:

"(c) Whenever any person who has not previously been convicted of (i) any felony offense under any state or federal laws; (ii) any offense under Chapter 90 of the General Statutes; or (iii) an offense under any statute of the United States or any state relating to controlled substances included in any schedule of Chapter 90 of the General Statutes or to that paraphernalia included in Article 5B of Chapter 90 of the General Statutes, pleads guilty to or has been found guilty of ~~(i)~~ a misdemeanor under ~~this~~ Article 5 of Chapter 90 of the General Statutes by possessing a controlled substance included within Schedules I through VI of Chapter 90, or by possessing drug paraphernalia as prohibited by G.S. 90-113.22 or ~~(ii)~~pleads guilty to or has been found guilty of a felony under G.S. 90-95(a)(3), the court may, upon application of the person not sooner than 12 months after conviction, order cancellation of the judgment of conviction and expunction of the records of the person's arrest, indictment or information, trial, and conviction. A conviction in which the judgment of conviction has been

canceled and the records expunged pursuant to this subsection shall not be thereafter deemed a conviction for purposes of this subsection or for purposes of disqualifications or liabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions of Article 5 of Chapter 90 of the General Statutes. Cancellation and expunction under this subsection may occur only once with respect to any person. Disposition of a case under this subsection at the district court division of the General Court of Justice shall be final for the purpose of appeal.

The granting of an application filed under this subsection shall cause the issue of an order to expunge from all official records, other than the confidential files retained under G.S. 15A-151, all recordation relating to the petitioner's arrest, indictment or information, trial, finding of guilty, judgment of conviction, cancellation of the judgment, and expunction of records pursuant to this subsection.

The judge to whom the petition is presented is authorized to call upon a probation officer for additional investigation or verification of the petitioner's conduct since conviction. If the court determines that the petitioner was convicted of (i) a misdemeanor under Article 5 of Chapter 90 of the General Statutes for possessing a controlled substance included within Schedules I through VI of Article 5 of Chapter 90 of the General Statutes or for possessing drug paraphernalia as prohibited in G.S. 90-113.22 or (ii) a felony under G.S. 90-95(a)(3), that the petitioner has no disqualifying previous convictions as set forth in this subsection, that the petitioner was not over 21 years of age at the time of the offense, that the petitioner has been of good behavior since his or her conviction, that the petitioner has successfully completed a drug education program approved for this purpose by the Department of Health and Human Services, and that the petitioner has not been convicted of a felony or misdemeanor other than a traffic violation under the laws of this State at any time prior to or since the conviction for the offense in question, it shall enter an order of expunction of the petitioner's court record. The effect of such order shall be to restore the petitioner in the contemplation of the law to the status the petitioner occupied before arrest or indictment or information or conviction. No person as to whom such order was entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failures to recite or acknowledge such arrest, or indictment or information, or conviction, or trial in response to any inquiry made of him or her for any purpose. The judge may waive the condition that the petitioner attend the drug education school if the judge makes a specific finding that there was no drug education school within a reasonable distance of the defendant's residence or that there were specific extenuating circumstances which made it likely that the petitioner would not benefit from the program of instruction.

The court shall also order all law enforcement agencies, the Department of Correction, the Division of Motor Vehicles, and any other State or local agencies identified by the petitioner as bearing records of the conviction and records relating thereto to expunge their records of the conviction. The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150."

SECTION 2.6.(b) This section becomes effective January 1, 2012, and applies to persons entering a plea or who are found guilty of an offense on or after that date.

SECTION 2.7. Effective January 1, 2012, G.S. 15A-1340.18(c), as enacted by Section 5(c) of S.L. 2011-192, reads as rewritten:

"(c) ~~The~~ When imposing an active sentence for an eligible defendant, the court, in its discretion and without objection from the prosecutor, may ~~include a risk reduction incentive or incentives in sentencing an eligible defendant to an active sentence.~~order that the Department of Correction admit the defendant to the ASR program. The Department of Correction shall admit to the ASR program only those defendants for which ASR is ordered in the sentencing judgment."

SECTION 2.8. Effective January 1, 2012, G.S. 15A-1340.18(e), as enacted by Section 5(c) of S.L. 2011-192, reads as rewritten:

"(e) The defendant shall be notified at sentencing that if the defendant completes the risk reduction incentives as identified by the Department, then he or she will be released on the ASR ~~date.~~ date, as determined by the Department pursuant to the provisions of subsection (d) of this section. If the Department determines that the defendant is unable to complete the incentives by the ASR date, through no fault of the defendant, then the defendant shall be released at the ASR date."

SECTION 2.9. Except as otherwise provided, this Part becomes effective December 1, 2011.

PART III. TECHNICAL CORRECTIONS AND CLARIFICATION

SECTION 3.1. G.S. 68-25(b1), as enacted by S.L. 2011-313, is repealed.

SECTION 3.2. Section 6 of S.L. 2011-385 reads as rewritten:

"**SECTION 6.** ~~Sections 1, 2, and 3 of this act become effective October 1, 2011, and apply to limited learner's permits and limited provisional licenses issued on or after that date.~~ Section 1 of this act becomes effective October 1, 2011, and applies to persons issued a limited provisional license on or after that date. Section 2 of this act becomes effective January 1, 2012, and applies to persons issued a limited learner's permit on or after that date. Section 3 of this act becomes effective January 1, 2012, and applies to persons issued a limited provisional license on or after that date. Section 4 of this act becomes effective ~~October 1, 2011,~~ January 1, 2012, and applies to offenses committed on or after that date. The remainder of this act becomes effective October 1, 2011."

SECTION 3.3. Section 20 of S.L. 2011-391 is repealed.

PART IV. BAIL BONDSMEN

SECTION 4.1. Article 71 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"**§ 58-71-200. Bondsman access to criminal court records.**

(a) In order to assist licensed sureties and their agents in evaluating potential and current clients for the purposes of bail, the Administrative Office of the Courts shall provide any individual with a current license to act as professional bondsman, surety bondsman, or runner with access to search criminal records in the Administrative Office of the Courts' real-time criminal information systems.

(b) Access granted under subsection (a) of this section shall be limited to information systems containing general criminal case information, as maintained by the clerks of superior court. Access shall not include systems for the production of criminal process by law enforcement officials and judicial officials under G.S. 15A-301.1 or other information not subject to public disclosure.

(c) Access provided pursuant to subsection (a) of this section shall be without charge for individual searches of the Administrative Office of the Courts' criminal information systems. In order to defray the costs of establishing access, the Administrative Office of the Courts shall charge initial setup fees equivalent to its fees for governmental agencies granted access to its systems to each individual granted access pursuant to subsection (a) of this section.

(d) All hardware, software, telecommunications charges, or other expenditures required for such access shall be the sole responsibility of the individual bondsman or runner. No State funds may be expended for any such expenses.

(e) The Commissioner shall coordinate the access granted under subsection (a) of this section by providing all information requested by the Administrative Office of the Courts for the establishment of access. The Administrative Office of the Courts shall not provide access to any bondsman or runner who fails to provide all information requested by the Commissioner.

(f) The Commissioner shall notify the Administrative Office of the Courts within 24 hours of any action to suspend or revoke a bondsman's or runner's license or authority to act as a bondsman or runner. The Administrative Office of the Courts shall immediately revoke access of the suspended or revoked bondsman or runner to its criminal information systems.

(g) The Administrative Office of the Courts shall provide to the Commissioner copies of its current policies for access to court information systems for users outside the Judicial Branch. Any bondsman or runner granted access pursuant to subsection (a) of this section shall adhere to all such policies. The Administrative Office of the Courts shall revoke access of any bondsman or runner who violates such policies.

(h) It is unlawful for any person to willfully do any of the following:

(1) For any person to access information systems of the Administrative Office of the Courts by means of an online identifier, as defined in G.S. 14-208.6(1n), that was assigned to another individual by the Administrative Office of the Courts pursuant to subsection (a) of this section.

(2) For any bondsman or runner granted access pursuant to subsection (a) of this section to allow any other person, directly or indirectly, to make use of access granted to the bondsman or runner pursuant to subsection (a) of this section.

(3) For any bondsman or runner granted access pursuant to subsection (a) of this section to make use of that access at any time when the bondsman or runner knows or has reason to know that his or her license issued under this Article is in a state of suspension or revocation.

(4) For any bondsman or runner granted access pursuant to subsection (a) of this section to distribute, in any medium or manner, information obtained from the information systems of the Administrative Office of the Courts to any person for any reason not directly related to the evaluation of the individual to whom the information pertains for the purposes of bail.

Unless the conduct is covered under some other provision of law providing for a greater punishment, any violation of this subsection shall be a Class H felony."

SECTION 4.2.(a) Section 8 of S.L. 2011-377 is repealed.

SECTION 4.2.(b) G.S. 15A-544.5(d)(4) reads as rewritten:

"(4) If neither the district attorney nor the board of education has filed a written objection to the motion by the twentieth day after the motion is ~~served,~~ served by the clerk of superior court pursuant to Rule 4 of the Rules of Civil Procedure, the clerk shall enter an order setting aside the ~~forfeiture.~~ forfeiture, regardless of the basis for relief asserted in the motion, the evidence attached, or the absence of either."

SECTION 4.2.(c) G.S. 15A-544.5(d)(4), as amended by Section 9(b) of this act, reads as rewritten:

"(4) If neither the district attorney nor the attorney for the board of education has filed a written objection to the motion by the twentieth day after a copy of the motion is ~~served,~~ served by the clerk of superior court pursuant to Rule 4 of the Rules of Civil Procedure, the clerk shall enter an order setting aside the forfeiture, regardless of the basis for relief asserted in the motion, the evidence attached, or the absence of either."

PART V. WATER SUPPLY LINES

SECTION 5. Notwithstanding Section 5.1(b) of S.L. 1998-132, the Secretary of Environment and Natural Resources shall grant a waiver to allow additional connections to a bond-funded waterline within an area designated as WS-I or the critical area of any area that

has been designated as WS-II, WS-III, or WS-IV by the Environmental Management Commission pursuant to G.S. 143-214.5, provided the design capacity and size of the existing bond-funded waterline can accommodate the additional connections and the purpose of the additional connection is for either of the following reasons:

(1) To address an existing threat to public health or water quality.

(2) To provide water to a habitable structure located on a lot zoned for a single-family residence. There is no requirement that the habitable structure existed on the lot at the time of the construction of the bond-funded waterline.

PART V. HOME INSPECTOR LICENSURE BOARD CLARIFICATION

SECTION 6. G.S. 143-151.46(1) reads as rewritten:

"(a) Membership. – The North Carolina Home Inspector Licensure Board is established in the Department of Insurance. The Board shall be composed of the Commissioner of Insurance or the Commissioner's designee and seven additional members appointed as follows:

(1) A public member who is not actively engaged in one of the professional categories in subdivisions (2) through (4) of this subsection, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

....."

SECTION 7. Except as otherwise provided herein, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 335
Second Edition Engrossed 4/14/11
Proposed Conference Committee Substitute H335-PCCS11262-LBf-8

Short Title: Prison Maint/Justice Reinv/Tech Corr. (Public)

Sponsors:

Referred to:

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF PUBLIC SAFETY TO STUDY CONTRACTING FOR MAINTENANCE SERVICES AT PRISON FACILITIES AND TO TEMPORARILY LIMIT EXPANSION OF PRIVATE MAINTENANCE CONTRACTS AT PRISON FACILITIES; TO MAKE CLARIFYING CHANGES TO CERTAIN PROBATION STATUTES AND TO THE JUSTICE REINVESTMENT ACT; TO MAKE CLARIFYING CHANGES TO THE LAW RELATING TO PROVISIONAL DRIVERS LICENSES, MAKING A CHANGE TO THE BUDGET TECHNICAL CORRECTIONS BILL AND A TECHNICAL CHANGE TO S.L. 2011-313; TO PROVIDE BONDSMAN ACCESS TO CRIMINAL COURT RECORDS; TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998; AND TO CLARIFY THE QUALIFICATIONS OF PUBLIC MEMBERS OF THE NORTH CAROLINA HOME INSPECTOR LICENSURE BOARD.

The General Assembly of North Carolina enacts:

PART I. MAINTENANCE OF PRISONS

SECTION 1.1. The Department of Correction shall study the potential benefits and costs of contracting for maintenance services at prison facilities and report its findings to the 2013 Session of the General Assembly. The Department shall not expand private maintenance contracts to additional prison facilities unless authorized by the 2013 Session of the General Assembly.

SECTION 1.2. Effective January 1, 2012, Section 1.1 of this act reads as rewritten:

"**SECTION 1.1.** The Department of ~~Correction~~ Public Safety shall study the potential benefits and costs of contracting for maintenance services at prison facilities and report its findings to the 2013 Session of the General Assembly. The Department shall not expand private maintenance contracts to additional prison facilities unless authorized by the 2013 Session of the General Assembly."

PART II. JUSTICE REINVESTMENT/CLARIFICATIONS

SECTION 2.1. Effective December 1, 2011, G.S. 15A-1343(b)(2), as amended by Section 1 of S.L. 2011-62, reads as rewritten:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 326
PROPOSED COMMITTEE SUBSTITUTE H326-CSLB-102 [v.1]

9/13/2011 4:37:02 PM

Short Title: Buncombe Local Sales Tax For Comm. Colleges. (Local)

Sponsors:

Referred to:

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW BUNCOMBE COUNTY TO RESTRICT USE OF THE ADDITIONAL ONE-QUARTER PERCENT SALES TAX TO COMMUNITY COLLEGE CAPITAL OUTLAY PURPOSES, TO MAKE SUCH A RESTRICTION ON ANY SUCH TAX APPROVED BY THE VOTERS IN BUNCOMBE COUNTY IN 2011, TO PROVIDE FOR EXPIRATION OF THE TAX, AND TO REQUIRE A REVIEW AFTER TEN YEARS

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to Buncombe County only.

SECTION 2. G.S. 105-537 is amended by adding a new subsection to read:

"(b1) Alternative. – This subsection is an alternative to subsection (b) of this section. The county board of commissioners may, in directing the referendum to be held under subsection (b) of this section, provide that the county may use the proceeds of a tax levied under this Article only for community college capital outlay purposes and to retire indebtedness incurred by the county for these purposes, including previously authorized or issued debt. The resolution may also provide that the levy of the tax expires on a date certain.

In the case of any referendum held under this subsection without an expiration date, the form of the question to be presented on a ballot for a special election concerning the levy of the tax authorized by this Article shall be:

"[ ] FOR [ ] AGAINST

Local sales and use tax at the rate of one-quarter percent (0.25%) in addition to all other State and local sales and use taxes, to be used only for community college capital outlay purposes, including retirement of indebtedness issued for that purpose."

In the case of any referendum held under this subsection with an expiration date, the form of the question to be presented on a ballot for a special election concerning the levy of the tax authorized by this Article shall be:

"[ ] FOR [ ] AGAINST

Local sales and use tax at the rate of one-quarter percent (0.25%) in addition to all other State and local sales and use taxes, to be used only for community college capital outlay purposes, including retirement of indebtedness issued for that purpose, with the tax to expire on [insert date]."".

SECTION 3. If the voters of Buncombe County approve a referendum in 2011 under G.S. 105-537, the tax levied under that section may be used only for community college

capital outlay purposes and to retire indebtedness incurred by the county for these purposes, including previously authorized or issued debt, and the tax shall expire 18 years after its initial levy, but its expiration shall not affect the right to collect any taxes properly payable prior to the expiration. The Board of Commissioners of Buncombe County shall conduct a public hearing during the tenth year of the levy on the question of whether it should be repealed prior to its scheduled expiration.

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 326 A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS.

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

(FOR JOURNAL USE ONLY)

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

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

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

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 335 A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF CORRECTION TO STUDY CONTRACTING FOR MAINTENANCE SERVICES AT PRISON FACILITIES.

☒ With recommendation that the conference report be adopted.

(FOR JOURNAL USE ONLY)

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

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

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE RULES

DATE: 9-13-11 **Room:** 1225

*Name: _____

County: _____

Sponsor: _____

*Name: _____

County: _____

Sponsor: _____

Name: _____

County: _____

Sponsor: _____

*Name: _____

County: _____

Sponsor: _____

*Name: _____

County: _____

Sponsor: _____

House Sgt-At Arms:

1. Name: BILLY JONES
2. Name: YOUNG BAE
3. Name: BOB ROSSI
4. Name: _____
5. Name: _____
6. Name: _____

VISITOR REGISTRATION SHEET

Rules — 9-13-11 (5:00)

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MIKE MANN	NCCBAA
Mark Black	NCBAA
Forest Gilliam	Commis Office
Elizabeth Biser	Brooks Pierce
Rose Williams	NCDOI
[illegible]	PWC
DAVID RICE	MANNING FULTON
Kris Kringle	90° N
Bo Heath	McGuire Woods
Chuck Stone	SEANC
David McGowan	NCAE
Amy Baron	NCACC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andrew Cagle	NCSA
Allison Waller	NMRS
Cady Thomas	NCAR
CS Hollis	TSS
[illegible]	P.I. Group

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
November 7, 2011

The Committee on Rules, Calendar and Operations of the House met November 7, 2011 at 6:35 p.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore Chair, Laroque Chair, Representatives Alexander, Blust, Faison, Gillespie, Hackney, Hilton, Johnson, Luebke, Moffitt, Saine, Stam, and Stone.

Rep. Moore presided.

The following bill was considered:

HJR 931 Confirm Edward Finley to Utilities Commission (Rep. Steen, Primary Sponsor)
Rep. Moore explained the bill. Rep. Stam motioned for the PCS before the committee. Discussion and debate on the bill. Rep. Stone made a motion for a favorable report as to the PCS, which changes the title, unfavorable to the original. Vote called and the motion passed.

Chair Moore adjourned at 6:55 pm.

Respectfully submitted:

Rep. Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

ım: Nancy Garriss (Rep. Tim Moore)
...ıt: Monday, November 07, 2011 12:32 PM
To: @All Exchange Users
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Mon, 11-07-2011 at 2:40 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, November 7, 2011
TIME: 2:40 pm
LOCATION: **1228**/1327 LB
OMMENTS:

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **November 07, 2011**.

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION 931*
PROPOSED COMMITTEE SUBSTITUTE H931-PCS11267-LB-105

Sponsors:

Referred to:

May 25, 2011

A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO DATES CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

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

SECTION 1.1. When the Senate and the House of Representatives adjourn on Monday, November 7, 2011, they stand adjourned to reconvene on Sunday, November 27, 2011, at 8:00 p.m.

SECTION 1.2. During the regular session that reconvenes on Sunday, November 27, 2011, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of senators among those districts.
  b. Revising the Representative districts and the apportionment of representatives among those districts.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
  d. Bills responding to actions related to the Voting Rights Act of 1965.
  e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Any bills relating to election laws.

(4) Bills to ratify and make statutory conforming changes pursuant to a Tribal Compact negotiated by the Governor.

(5) Bills responding to natural disasters, including hurricanes.

(6) Bills in which the General Assembly makes an appointment or appointments to public office and which contain no other matter.

(7) Adoption of conference reports for bills which were in conference as of Wednesday, September 14, 2011.

(8) Local bills pending in the House Rules Committee on July 28, 2011.

(9) A bill to modify governance and management provisions for local management entities (LMEs).

(10) Concurrence in any committee substitute or amendment.

(11) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 2.1. When the Senate and the House of Representatives adjourn on Tuesday, November 29, 2011, they stand adjourned to reconvene on Thursday, February 16, 2012, at 12:00 noon.

SECTION 2.2. During the regular session that reconvenes on Thursday, February 16, 2012, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of senators among those districts.
  b. Revising the Representative districts and the apportionment of representatives among those districts.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
  d. Bills responding to actions related to the Voting Rights Act of 1965.
  e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Any bills relating to election laws.

(4) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 3.1. When the Senate and the House of Representatives adjourn on Saturday, February 18, 2012, they stand adjourned to reconvene on Monday, April 23, 2012, at 12:00 noon.

SECTION 3.2. During the regular session that reconvenes on Monday, April 23, 2012, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of senators among those districts.
  b. Revising the Representative districts and the apportionment of representatives among those districts.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
  d. Bills responding to actions related to the Voting Rights Act of 1965.
  e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Any bills relating to election laws.

(4) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 4.1. When the Senate and the House of Representatives adjourn on Wednesday, April 25, 2012, they stand adjourned to reconvene on Wednesday, May 16, 2012, at 12:00 noon.

SECTION 4.2. During the regular session that reconvenes on Wednesday, May 16, 2012, only the following matters may be considered:

(1) Bills directly and primarily affecting the State budget, including the budget of an occupational licensing board, for fiscal year 2012-2013, provided that

the bill must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Friday, May 18, 2012, and must be introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Tuesday, May 29, 2012.

(2) Bills amending the Constitution of North Carolina.

(3) Bills and resolutions introduced in 2011 and having passed third reading in 2011 in the house in which introduced, received in the other house in accordance with Senate Rule 41 or House Rule 31.1(h) as appropriate, and not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading, and which do not violate the rules of the receiving house.

(4) Bills and resolutions implementing the recommendations of:

a. Study commissions, authorities, and statutory commissions authorized or directed to report to the 2012 Session;

b. The General Statutes Commission, the Courts Commission, or any commission created under Chapter 120 of the General Statutes that is authorized or directed to report to the General Assembly;

c. The House Ethics Committee;

d. Select committees; or

e. The Joint Legislative Ethics Committee or its Advisory Subcommittee.

A bill authorized by this subdivision must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Wednesday, May 16, 2012, and must be filed for introduction in the Senate or introduced in the House of Representatives no later than 4:00 P.M. Wednesday, May 23, 2012.

(5) Any local bill that has been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. Wednesday, May 23, 2012, is introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Wednesday, May 30, 2012, and is accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, the bill is noncontroversial, and that the bill is approved for introduction by each member of the House of Representatives and Senate whose district includes the area to which the bill applies.

(6) Selection, appointment, or confirmation of members of State boards and commissions as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate.

(7) Any matter authorized by joint resolution passed by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting. A bill or resolution filed in either house under the provisions of this subdivision shall have a copy of the ratified enabling resolution attached to the jacket before filing for introduction in the Senate or introduction in the House of Representatives.

(8) A joint resolution authorizing the introduction of a bill pursuant to subdivision (7) of this section.

(9) Any bills primarily affecting any State or local pension or retirement system, provided that the bill has been submitted to the Bill Drafting Division of the

Legislative Services Office no later than 4:00 P.M. Wednesday, May 23, 2012, and is introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Wednesday, May 30, 2012.

(10) Joint resolutions, House resolutions, and Senate resolutions authorized for introduction under Senate Rule 40(b) or House Rule 31.

(11) Bills:

a. Revising the Senate districts and the apportionment of senators among those districts.

b. Revising the Representative districts and the apportionment of representatives among those districts.

c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.

d. Bills responding to actions related to the Voting Rights Act of 1965.

e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(12) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(13) Any bills relating to election laws.

(14) Bills to disapprove rules under G.S. 150B-21.3.

(15) A joint resolution adjourning the 2011 Regular Session, sine die.

SECTION 5. The Speaker of the House of Representatives or the President Pro Tempore of the Senate may authorize appropriate committees or subcommittees of their respective houses to meet during the interims between sessions to:

(1) Review matters related to the State budget for the 2011-2012 biennium,

(2) Prepare reports, including revised budgets, or

(3) Consider any other matters as the Speaker of the House of Representatives or the President Pro Tempore of the Senate deems appropriate. A conference committee may meet in the interim upon approval by the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

SECTION 6. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION 931*
PROPOSED COMMITTEE SUBSTITUTE H931-PCS11267-LB-105

Sponsors:

Referred to:

May 25, 2011

A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO DATES CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

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

SECTION 1.1. When the Senate and the House of Representatives adjourn on Monday, November 7, 2011, they stand adjourned to reconvene on Sunday, November 27, 2011, at 8:00 P.M.

SECTION 1.2. During the regular session that reconvenes on Sunday, November 27, 2011, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of senators among those districts.
  b. Revising the Representative districts and the apportionment of representatives among those districts.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
  d. Bills responding to actions related to the Voting Rights Act of 1965.
  e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Any bills relating to election laws.

(4) Bills to ratify and make statutory conforming changes pursuant to a Tribal Compact negotiated by the Governor.

(5) Bills responding to natural disasters, including hurricanes.

(6) Bills in which the General Assembly makes an appointment or appointments to public office and which contain no other matter.

(7) Adoption of conference reports for bills which were in conference as of Wednesday, September 14, 2011.

(8) Local bills pending in the House Rules Committee on July 28, 2011.

(9) A bill to modify governance and management provisions for local management entities (LMEs).

(10) Concurrence in any committee substitute or amendment.

(11) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 2.1. When the Senate and the House of Representatives adjourn on Tuesday, November 29, 2011, they stand adjourned to reconvene on Thursday, February 16, 2012, at 12:00 noon.

SECTION 2.2. During the regular session that reconvenes on Thursday, February 16, 2012, only the following matters may be considered:

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   a. Revising the Senate districts and the apportionment of senators among those districts.
   b. Revising the Representative districts and the apportionment of representatives among those districts.
   c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
   d. Bills responding to actions related to the Voting Rights Act of 1965.
   e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Any bills relating to election laws.

(4) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 3.1. When the Senate and the House of Representatives adjourn on Saturday, February 18, 2012, they stand adjourned to reconvene on Monday, April 23, 2012, at 12:00 noon.

SECTION 3.2. During the regular session that reconvenes on Monday, April 23, 2012, only the following matters may be considered:

(1) Bills:
   a. Revising the Senate districts and the apportionment of senators among those districts.
   b. Revising the Representative districts and the apportionment of representatives among those districts.
   c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
   d. Bills responding to actions related to the Voting Rights Act of 1965.
   e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Any bills relating to election laws.

(4) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 4.1. When the Senate and the House of Representatives adjourn on Wednesday, April 25, 2012, they stand adjourned to reconvene on Wednesday, May 16, 2012, at 12:00 noon.

SECTION 4.2. During the regular session that reconvenes on Wednesday, May 16, 2012, only the following matters may be considered:

(1) Bills directly and primarily affecting the State budget, including the budget of an occupational licensing board, for fiscal year 2012-2013, provided that the bill must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Friday, May 18, 2012, and must be introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Tuesday, May 29, 2012.

(2) Bills amending the Constitution of North Carolina.

(3) Bills and resolutions introduced in 2011 and having passed third reading in 2011 in the house in which introduced, received in the other house in accordance with Senate Rule 41 or House Rule 31.1(h) as appropriate, and not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading, and which do not violate the rules of the receiving house.

(4) Bills and resolutions implementing the recommendations of:

a. Study commissions, authorities, and statutory commissions authorized or directed to report to the 2012 Session;

b. The General Statutes Commission, the Courts Commission, or any commission created under Chapter 120 of the General Statutes that is authorized or directed to report to the General Assembly;

c. The House Ethics Committee;

d. Select committees; or

e. The Joint Legislative Ethics Committee or its Advisory Subcommittee.

A bill authorized by this subdivision must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Wednesday, May 16, 2012, and must be filed for introduction in the Senate or introduced in the House of Representatives no later than 4:00 P.M. Wednesday, May 23, 2012.

(5) Any local bill that has been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. Wednesday, May 23, 2012, is introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Wednesday, May 30, 2012, and is accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, the bill is noncontroversial, and that the bill is approved for introduction by each member of the House of Representatives and Senate whose district includes the area to which the bill applies.

(6) Selection, appointment, or confirmation of members of State boards and commissions as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate.

(7) Any matter authorized by joint resolution passed by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting. A bill or resolution filed in either house under the provisions of this subdivision shall have a copy of the ratified enabling resolution attached to the jacket before filing for introduction in the Senate or introduction in the House of Representatives.

(8) A joint resolution authorizing the introduction of a bill pursuant to subdivision (7) of this section.

(9) Any bills primarily affecting any State or local pension or retirement system, provided that the bill has been submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Wednesday, May 23, 2012, and is introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Wednesday, May 30, 2012.

(10) Joint resolutions, House resolutions, and Senate resolutions authorized for introduction under Senate Rule 40(b) or House Rule 31.

(11) Bills:

a. Revising the Senate districts and the apportionment of senators among those districts.

b. Revising the Representative districts and the apportionment of representatives among those districts.

c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.

d. Bills responding to actions related to the Voting Rights Act of 1965.

e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(12) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(13) Any bills relating to election laws.

(14) Bills to disapprove rules under G.S. 150B-21.3.

(15) A joint resolution adjourning the 2011 Regular Session, sine die.

SECTION 5. The Speaker of the House of Representatives or the President Pro Tempore of the Senate may authorize appropriate committees or subcommittees of their respective houses to meet during the interims between sessions to:

(1) Review matters related to the State budget for the 2011-2012 biennium,

(2) Prepare reports, including revised budgets, or

(3) Consider any other matters as the Speaker of the House of Representatives or the President Pro Tempore of the Senate deems appropriate. A conference committee may meet in the interim upon approval by the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

SECTION 6. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION 931*
PROPOSED COMMITTEE SUBSTITUTE H931-PCS11267-LB-105

Sponsors:

Referred to:

May 25, 2011

A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO DATES CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

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

SECTION 1.1. When the Senate and the House of Representatives adjourn on Monday, November 7, 2011, they stand adjourned to reconvene on Sunday, November 27, 2011, at 8:00 P.M.

SECTION 1.2. During the regular session that reconvenes on Sunday, November 27, 2011, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of senators among those districts.
  b. Revising the Representative districts and the apportionment of representatives among those districts.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
  d. Bills responding to actions related to the Voting Rights Act of 1965.
  e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Any bills relating to election laws.

(4) Bills to ratify and make statutory conforming changes pursuant to a Tribal Compact negotiated by the Governor.

(5) Bills responding to natural disasters, including hurricanes.

(6) Bills in which the General Assembly makes an appointment or appointments to public office and which contain no other matter.

(7) Adoption of conference reports for bills which were in conference as of Wednesday, September 14, 2011.

(8) Local bills pending in the House Rules Committee on July 28, 2011.

(9) A bill to modify governance and management provisions for local management entities (LMEs).

(10) Concurrence in any committee substitute or amendment.

(11) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 2.1. When the Senate and the House of Representatives adjourn on Tuesday, November 29, 2011, they stand adjourned to reconvene on Thursday, February 16, 2012, at 12:00 noon.

SECTION 2.2. During the regular session that reconvenes on Thursday, February 16, 2012, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of senators among those districts.
  b. Revising the Representative districts and the apportionment of representatives among those districts.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
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(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Any bills relating to election laws.

(4) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 3.1. When the Senate and the House of Representatives adjourn on Saturday, February 18, 2012, they stand adjourned to reconvene on Monday, April 23, 2012, at 12:00 noon.

SECTION 3.2. During the regular session that reconvenes on Monday, April 23, 2012, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of senators among those districts.
  b. Revising the Representative districts and the apportionment of representatives among those districts.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
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(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

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SECTION 4.2. During the regular session that reconvenes on Wednesday, May 16, 2012, only the following matters may be considered:

(1) Bills directly and primarily affecting the State budget, including the budget of an occupational licensing board, for fiscal year 2012-2013, provided that the bill must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Friday, May 18, 2012, and must be introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Tuesday, May 29, 2012.

(2) Bills amending the Constitution of North Carolina.

(3) Bills and resolutions introduced in 2011 and having passed third reading in 2011 in the house in which introduced, received in the other house in accordance with Senate Rule 41 or House Rule 31.1(h) as appropriate, and not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading, and which do not violate the rules of the receiving house.

(4) Bills and resolutions implementing the recommendations of:

a. Study commissions, authorities, and statutory commissions authorized or directed to report to the 2012 Session;

b. The General Statutes Commission, the Courts Commission, or any commission created under Chapter 120 of the General Statutes that is authorized or directed to report to the General Assembly;

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d. Select committees; or

e. The Joint Legislative Ethics Committee or its Advisory Subcommittee.

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(5) Any local bill that has been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. Wednesday, May 23, 2012, is introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Wednesday, May 30, 2012, and is accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, the bill is noncontroversial, and that the bill is approved for introduction by each member of the House of Representatives and Senate whose district includes the area to which the bill applies.

(6) Selection, appointment, or confirmation of members of State boards and commissions as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate.

(7) Any matter authorized by joint resolution passed by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting. A bill or resolution filed in either house under the provisions of this subdivision shall have a copy of the ratified enabling resolution attached to the jacket before filing for introduction in the Senate or introduction in the House of Representatives.

(8) A joint resolution authorizing the introduction of a bill pursuant to subdivision (7) of this section.

(9) Any bills primarily affecting any State or local pension or retirement system, provided that the bill has been submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Wednesday, May 23, 2012, and is introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Wednesday, May 30, 2012.

(10) Joint resolutions, House resolutions, and Senate resolutions authorized for introduction under Senate Rule 40(b) or House Rule 31.

(11) Bills:

a. Revising the Senate districts and the apportionment of senators among those districts.

b. Revising the Representative districts and the apportionment of representatives among those districts.

c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.

d. Bills responding to actions related to the Voting Rights Act of 1965.

e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(12) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(13) Any bills relating to election laws.

(14) Bills to disapprove rules under G.S. 150B-21.3.

(15) A joint resolution adjourning the 2011 Regular Session, sine die.

SECTION 5. The Speaker of the House of Representatives or the President Pro Tempore of the Senate may authorize appropriate committees or subcommittees of their respective houses to meet during the interims between sessions to:

(1) Review matters related to the State budget for the 2011-2012 biennium,

(2) Prepare reports, including revised budgets, or

(3) Consider any other matters as the Speaker of the House of Representatives or the President Pro Tempore of the Senate deems appropriate. A conference committee may meet in the interim upon approval by the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

SECTION 6. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION 931*
PROPOSED COMMITTEE SUBSTITUTE H931-PCS11267-LB-105

Sponsors:

Referred to:

May 25, 2011

A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO DATES CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

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

SECTION 1.1. When the Senate and the House of Representatives adjourn on Monday, November 7, 2011, they stand adjourned to reconvene on Sunday, November 27, 2011, at 8:00 P.M.

SECTION 1.2. During the regular session that reconvenes on Sunday, November 27, 2011, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of senators among those districts.
  b. Revising the Representative districts and the apportionment of representatives among those districts.
  c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
  d. Bills responding to actions related to the Voting Rights Act of 1965.
  e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(2) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(3) Any bills relating to election laws.

(4) Bills to ratify and make statutory conforming changes pursuant to a Tribal Compact negotiated by the Governor.

(5) Bills responding to natural disasters, including hurricanes.

(6) Bills in which the General Assembly makes an appointment or appointments to public office and which contain no other matter.

(7) Adoption of conference reports for bills which were in conference as of Wednesday, September 14, 2011.

(8) Local bills pending in the House Rules Committee on July 28, 2011.

(9) A bill to modify governance and management provisions for local management entities (LMEs).

(10) Concurrence in any committee substitute or amendment.

(11) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 2.1. When the Senate and the House of Representatives adjourn on Tuesday, November 29, 2011, they stand adjourned to reconvene on Thursday, February 16, 2012, at 12:00 noon.

SECTION 2.2. During the regular session that reconvenes on Thursday, February 16, 2012, only the following matters may be considered:

(1) Bills:
  a. Revising the Senate districts and the apportionment of senators among those districts.
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(4) A joint resolution further adjourning the 2011 Regular Session to a date certain.

SECTION 3.1. When the Senate and the House of Representatives adjourn on Saturday, February 18, 2012, they stand adjourned to reconvene on Monday, April 23, 2012, at 12:00 noon.

SECTION 3.2. During the regular session that reconvenes on Monday, April 23, 2012, only the following matters may be considered:

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(2) Bills amending the Constitution of North Carolina.

(3) Bills and resolutions introduced in 2011 and having passed third reading in 2011 in the house in which introduced, received in the other house in accordance with Senate Rule 41 or House Rule 31.1(h) as appropriate, and not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading, and which do not violate the rules of the receiving house.

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(8) A joint resolution authorizing the introduction of a bill pursuant to subdivision (7) of this section.

(9) Any bills primarily affecting any State or local pension or retirement system, provided that the bill has been submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Wednesday, May 23, 2012, and is introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Wednesday, May 30, 2012.

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SECTION 6. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION 931*
PROPOSED COMMITTEE SUBSTITUTE H931-PCS11267-LB-105

Sponsors:

Referred to:

May 25, 2011

A JOINT RESOLUTION FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO DATES CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

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

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the bill must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Friday, May 18, 2012, and must be introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Tuesday, May 29, 2012.

(2) Bills amending the Constitution of North Carolina.

(3) Bills and resolutions introduced in 2011 and having passed third reading in 2011 in the house in which introduced, received in the other house in accordance with Senate Rule 41 or House Rule 31.1(h) as appropriate, and not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading, and which do not violate the rules of the receiving house.

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(6) Selection, appointment, or confirmation of members of State boards and commissions as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate.

(7) Any matter authorized by joint resolution passed by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting. A bill or resolution filed in either house under the provisions of this subdivision shall have a copy of the ratified enabling resolution attached to the jacket before filing for introduction in the Senate or introduction in the House of Representatives.

(8) A joint resolution authorizing the introduction of a bill pursuant to subdivision (7) of this section.

(9) Any bills primarily affecting any State or local pension or retirement system, provided that the bill has been submitted to the Bill Drafting Division of the

Legislative Services Office no later than 4:00 P.M. Wednesday, May 23, 2012, and is introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Wednesday, May 30, 2012.

(10) Joint resolutions, House resolutions, and Senate resolutions authorized for introduction under Senate Rule 40(b) or House Rule 31.

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a. Revising the Senate districts and the apportionment of senators among those districts.

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d. Bills responding to actions related to the Voting Rights Act of 1965.

e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.

(12) Bills returned by the Governor with her objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.

(13) Any bills relating to election laws.

(14) Bills to disapprove rules under G.S. 150B-21.3.

(15) A joint resolution adjourning the 2011 Regular Session, sine die.

SECTION 5. The Speaker of the House of Representatives or the President Pro Tempore of the Senate may authorize appropriate committees or subcommittees of their respective houses to meet during the interims between sessions to:

(1) Review matters related to the State budget for the 2011-2012 biennium,

(2) Prepare reports, including revised budgets, or

(3) Consider any other matters as the Speaker of the House of Representatives or the President Pro Tempore of the Senate deems appropriate. A conference committee may meet in the interim upon approval by the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

SECTION 6. This resolution is effective upon ratification.

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE RULES

DATE: 11-7-11 **Room:** 1228

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

Name:

County:

Sponsor:

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

House Sgt-At Arms:

Name: FRED HINES

2. Name: LARRY ELLIOTT

3. Name:

4. Name:

5. Name:

6. Name:

VISITOR REGISTRATION SHEET

RULES — Name of Committee

NOV. 7, 2011 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Latonia Strickland	NCACC
Kent Lamm	NCACC
Alex Miller	KLG
Penny Griffin	School of Gov.
Anthony Silvaggio	DJ
Mark Foreman	NCAE
Ken Melton	K.M.A.

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
November 28, 2011

The Committee on Rules, Calendar and Operations of the House met November 28, 2011 at 1:35 p.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore Chair, Representative LaRoque Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Crawford, Daughtry, Faison, Farmer-Butterfield, Folwell, Gillespie, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Parmon, Saine, Samuelson, Stam, and Stone.

Rep. Moore presided.

The following bills were considered:

H7B96 Sale of Alcoholic Beverages (Rep. Moffitt, Primary Sponsor). Rep. LaRoque motioned for the PCS before the committee. Motion passed. Rep. Moffitt explained the bill. Discussion and debate on the bill. Rep. Owens made a motion that the conference report be adopted as to the PCS, which changes the title, unfavorable to the original. Vote called and the motion passed.

SB224 Professional Sports Agents/ College Athletes (Senator Dannelly, Primary Sponsor). Rep. Samuelson made the motion that the PCS be before the committee. Motion passed. Rep. Moore explained the bill. No discussion or debate. Rep. Moore motioned for a favorable report as to the PCS, which changes the title, unfavorable to the Senate Committee Substitute. Vote called and motion passed.

Chair Moore adjourned at 1:50 p.m.

Respectfully submitted:

Rep. Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

From: Dianne Russell (House Legislative Assistants Director)
Sent: Sunday, November 27, 2011 8:37 PM
To: Dianne Russell (House Legislative Assistants Director)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Mon, 11-28-2011 at 1:30 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

BILL SPONSOR NOTIFICATION

2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, November 28, 2011

TIME: 1:30 pm

LOCATION: 1327 LB

COMMENTS: PCS for SB 224 entitled Speaker's Appointments

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 796	Sale of Alcoholic Beverages.	Representative Moffitt

SB 224	Professional Sports Agents/College Athletes.	Senator Dannelly
	PCS: Speaker's Appointments	

Respectfully,

Representative LaRoque, Chair

Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 PM** o'clock on **November 27, 2011**.

Principal Clerk

eading Clerk – House Chamber

Dianne Russell (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

November 28, 2011 at 1:30 p.m.

1328 LB

Representative Tim Moore Presiding

Remarks:

HB 796	Sale of Alcoholic Beverages..	Representative Moffitt
SB 224	Professional Sports Agents/College Athletes	Senator Dannelly

Adjourn

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 796

Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11
Proposed Conference Committee Substitute H796-PCCS90138-LB-17

Short Title: Breweries/Comm. Coll./Supp. Fund. Clarified. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALL PERMITTEES THAT HAVE BEEN ISSUED A BREWERY PERMIT BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO SELL AT RETAIL MALT BEVERAGES THAT HAVE BEEN MANUFACTURED AT THE BREWERY OR AT ANOTHER LOCATION OUT OF STATE BY THE SAME PERMITTEE ONLY ON THE PREMISES OF THE BREWERY AFTER RECEIVING THE PROPER PERMITS, TO CLARIFY THAT CERTAIN HIGH SCHOOL STUDENTS MAY BE PERMITTED TO TAKE NONCREDIT COURSES AT STATE COMMUNITY COLLEGES, AND TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO ALLOT SMALL COUNTY SUPPLEMENTAL FUNDING TO THE CHEROKEE COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1104 reads as rewritten:

"**§ 18B-1104. Authorization of brewery permit.**

The holder of a brewery permit may:

...

(7) In an area where the sale of any type of alcoholic beverage is authorized by law, sell the brewery's malt beverages or malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina only at the brewery upon receiving a permit under G.S. 18B-1001(1). ~~The brewery also may obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products.~~

(8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products.

A sale or gift under subdivision (5) or (6) shall not be considered a retail or wholesale sale under the ABC laws."

SECTION 2. G.S. 115D-20(4), as amended by Section 7.1A(h) of S.L. 2011-145 and by Section 13(c) of S.L. 2011-391, reads as rewritten:

"**§ 115D-20. Powers and duties of trustees.**

The trustees of each institution shall constitute the local administrative board of such institution, with such powers and duties as are provided in this Chapter and as are delegated to it by the State Board of Community Colleges. The powers and duties of trustees shall include the following:

...

(4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:

a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:

1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate or diploma.
3. College transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses, including English and mathematics, for qualified junior and senior high school students.

b. During the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.

c. High school students may be permitted to take noncredit courses in safe driving on a self-supporting basis during the academic year or the summer.

d. High school students 16 years and older may be permitted to take noncredit courses, except adult basic skills, subject to rules promulgated by the State Board of Community Colleges.

...."

SECTION 3. Notwithstanding Section 7.12(c) of S.L. 2011-145, the Department of Public Instruction is authorized to allot funds from the Small County Supplemental Funding

Allotment to the Cherokee County Schools for the 2011-2012 fiscal year. The amount allotted shall not exceed the allotment to the Cherokee County Schools for the 2010-2011 fiscal year.

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

HOUSE BILL 796

Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11

Short Title: Sale of Alcoholic Beverages. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 18B-1004 reads as rewritten:

"**§ 18B-1004. Hours for sale and consumption.**

(a) ~~Hours.~~Hours for On-Premise Locations. – ~~Except as otherwise provided in this section, it~~ It shall be unlawful for a permittee holding on-premise permits for the sale of malt beverages, unfortified wine, fortified wine, or mixed beverages to sell malt beverages, unfortified wine, fortified wine, or mixed beverages between the hours of 2:00 A.M. and 7:00 A.M., or to consume any of those alcoholic beverages between the hours of 2:30 A.M. and 7:00 A.M. ~~A.M., in any place that has been issued a permit under G.S. 18B-1001.~~It shall be unlawful for any person to sell or consume alcoholic beverages on any premises where on-premises permits are issued for the sale of malt beverages, unfortified wine, fortified wine, or mixed beverages from the time at which sale or consumption must cease on Sunday morning until 11:00 A.M. on that day.

(a1) Hours for Off-Premise Locations. – It shall be unlawful for a permittee holding only off-premise permits allowing the sale of malt beverages, unfortified wine, or fortified wine, to sell malt beverages, unfortified wine, or fortified wine between the hours of 2:00 A.M. and 5:00 A.M. on Monday through Saturday, and between the hours of 2:00 A.M. and 11:00 A.M. on Sunday.

(b) Repealed by Session Laws 1991, c. 689, s. 310.

~~(c) Sunday Hours. – It shall be unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 12:00 Noon on that day.~~

~~(d) Local Option. – A city may adopt an ordinance prohibiting in the city the retail sale of malt beverages, unfortified wine, and fortified wine during any or all of the hours from 12:00 Noon on Sunday until 7:00 A.M. on the following Monday. A county may adopt an ordinance prohibiting, in the parts of the county outside any city, the retail sale of malt beverages, unfortified wine, and fortified wine during any or all of the hours from 12:00 Noon on Sunday until 7:00 A.M. on the following Monday. Neither a city nor a county, however, may prohibit those sales in establishments having brown-bagging or mixed beverages permits.~~

(e) This section does not prohibit at any time the wholesale delivery and sale of unfortified wine, fortified wine, and malt beverages to retailers issued permits pursuant to G.S. 18B-1001 or G.S. 18B-1002(a)(2) or (5)."

SECTION 1.(b) G.S. 18B-1006(q) is repealed.

SECTION 1.(c) This act is effective when it becomes law. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 2.(a) G.S. 18B-900(a) reads as rewritten:

"(a) Requirements. – To be eligible to receive and to hold an ABC permit, a person shall:

(1) Be at least 21 years old, unless the person is a manager of a business selling only malt beverages and unfortified wine, in which case the person shall be at least 19 years old;

(2) Be a resident of North Carolina unless:

a. He is an officer, director or stockholder of a corporate applicant or permittee and is not a manager or otherwise responsible for the day-to-day operation of the business; or

b. He has executed a power of attorney designating a qualified resident of this State to serve as attorney in fact for the purposes of receiving service of process and managing the business for which permits are sought; or

c. He is applying for a nonresident malt beverage vendor permit, a nonresident wine vendor permit, or a vendor representative permit;

(3) Not have been convicted of a felony within three years, and, if convicted of a felony before then, shall have had his citizenship restored;

(4) Not have been convicted of an alcoholic beverage offense within two years;

(5) Not have been convicted of a misdemeanor controlled substance offense within two years; and

(6) Not have had an alcoholic beverage permit revoked within three years, except where the revocation was based solely on a permittee's failure to pay the annual registration and inspection fee required in G.S. 18B-903(b1).

(7) Not have, whether as an individual or as an officer, director, shareholder or manager of a corporate permittee, an unsatisfied outstanding final judgment that was entered against him in an action under Article 1A of this Chapter.

(8) Have a valid social security number or be able to produce valid documentation issued to the applicant under the authority of the United States government demonstrating legal presence in the United States.

To avoid undue hardship, however, the Commission may decline to take action under G.S. 18B-104 against a permittee who is in violation of subdivisions (3), (4), or (5)."

SECTION 2.(b) G.S. 18B-1002(d) reads as rewritten:

"(d) Administrative Procedure. – A permit issued pursuant to this section shall not be issued less than 10 days before any qualifying event described in subdivisions (1) through (5) of subsection (a) of this section. The Commission shall notify the ALE Division not more than three business days after the date a permit is issued pursuant to this section, of the name and address of the applicant, the address of the event, and any conditions placed on the permit pursuant to subsection (c) of this section. Denial or revocation of a permit under this section shall not entitle the applicant or permittee to a hearing under Chapter 150B."

SECTION 3.(a) G.S. 18B-603(f) is amended by adding new subdivisions to read:

"(f) Permits Not Dependent on Elections. – The Commission may issue the following kinds of permits without approval at an election:

...

(10) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for hotels, convention centers, food markets, or restaurants located on the Centennial

Campus, Horace Williams Campus, or any Millennial Campus of a constituent institution of The University of North Carolina.

(11) The permits authorized by G.S. 18B-1001(1) and (3) for sale of beer and wine at performing arts centers located on property owned by or leased by a constituent institution of The University of North Carolina if the seating capacity does not exceed 2,000 seats."

SECTION 3.(b) G.S. 18B-1006(a) reads as rewritten:

"(a) School and College Campuses. – No permit for the sale of malt beverages, unfortified wine, or fortified wine shall be issued to a business on the campus or property of a public school or college, other than at a regional facility as defined by G.S. 160A-480.2 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General Statutes except for a public school or college function, unless that business is a hotel or a nonprofit alumni organization with a mixed beverages permit or a special occasion permit. This subsection shall not apply on property owned by a local board of education which was leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of aldermen, a county board of commissioners, or a local school board. This subsection shall also not apply to the constituent institutions of The University of North Carolina with respect to the sale of beer and wine at performing arts centers located on property owned or leased by the institutions if the seating capacity does not exceed 2,000 ~~seats,~~ seats, or to the sale of beer, wine, or mixed beverages at any hotel, convention center, food market, or restaurant located on the Centennial Campus, the Horace Williams Campus, or any Millennial Campus of a constituent institution of The University of North Carolina, or to any golf courses owned or leased by the constituent institutions and open to the public for use."

SECTION 4. Section 3 becomes effective October 1, 2011. The remainder of this act is effective when it becomes law. Prosecutions for offenses committed before the effective date of a section of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 224
Rules and Operations of the Senate Committee Substitute Adopted 6/8/11

Short Title: Professional Sports Agents/College Athletes. (Public)

Sponsors:

Referred to:

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE OUT-OF-STATE APPLICANTS AS ATHLETE AGENTS TO FILE A NORTH CAROLINA APPLICATION; TO CHANGE BONDING REQUIREMENTS FOR ATHLETE AGENTS; TO STRENGTHEN EXISTING ATHLETE SIGNATURE REQUIREMENTS BY REQUIRING NOTARIZED SIGNATURES ON STUDENT-ATHLETE CONTRACTS; TO CLARIFY RECORD-KEEPING REQUIREMENTS; TO EXPAND REQUIREMENTS FOR RECORDS ACCESS FOR THE SECRETARY OF STATE; TO REQUIRE ATHLETE AGENTS TO PROVIDE SIGNED CONTRACTS FOR STUDENT-ATHLETES TO THE SECRETARY OF STATE WITHIN A CERTAIN TIME PERIOD; TO REQUIRE ATHLETE AGENTS TO PROVIDE THE SECRETARY OF STATE WITH NOTARIZED CONTRACTS REGARDING STUDENT-ATHLETES BY A PERSON OTHER THAN AN EDUCATIONAL INSTITUTION EMPLOYEE, FAMILY MEMBER, OR INDIVIDUAL ACTING SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR ORGANIZATION WHERE THE CONTRACTING PERSON MAY HAVE AN EXPECTATION OF BENEFIT; TO CLARIFY THE PROHIBITION ON ATHLETE AGENTS PROVIDING THINGS OF VALUE TO STUDENT-ATHLETES BEFORE THE STUDENT-ATHLETES HAVE SIGNED CONTRACTS WITH THE ATHLETE AGENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 78C of the General Statutes reads as rewritten:

"Article 9.

"Uniform Athlete Agents Act.

"§ 78C-85. Title.

This Article may be cited as the "Uniform Athlete Agents Act".

...

"§ 78C-89. Registration as athlete agent; form; requirements.

(a) An individual seeking registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. The application must be in the name of an individual ~~and, except as otherwise provided in subsection (b) of this section,~~ and signed or otherwise authenticated by the applicant under penalty of perjury and must state or contain the following:

...

(b) ~~An individual who has submitted an application for registration or licensure as an athlete agent in another state or who holds a certificate of registration or licensure as an athlete agent in another state may submit a copy of the application and certificate in lieu of submitting an application in the form prescribed pursuant to subsection (a) of this section. The Secretary of~~

~~State shall accept the application and the certificate from the other state as an application for registration in this State if the application to the other state satisfied all of the following criteria:~~

~~(1) Was submitted in the other state within six months immediately preceding the submission of the application in this State and the applicant certifies that the information contained in the application is current.~~

~~(2) Contains information substantially similar to or more comprehensive than that required in an application submitted in this State.~~

~~(3) Was signed by the applicant under penalty of perjury.~~

An applicant for registration as an athlete agent in North Carolina pursuant to G.S. 78C-88 shall submit with the application a satisfactory cash bond or proof of establishment of a trust account in that amount with a licensed and insured bank or savings institution located in the State of North Carolina. The bond or trust account shall be in favor of the State of North Carolina. If a trust account is established, the applicant shall include with the application two copies of the formal notification by the depository that the trust account is established. Any bond shall be delivered by the Secretary of State to the Treasurer of the State of North Carolina to be maintained in an interest-bearing special fund. The amount of the cash bond or trust account shall be:

(1) Fifty thousand dollars ($50,000) to be submitted with the applicant's initial application for registration as an athlete agent in North Carolina;

(2) An additional twenty-five thousand dollars ($25,000) to be submitted with the applicant's first renewal application for registration as an athlete agent in North Carolina; and

(3) An additional twenty-five thousand dollars ($25,000) to be submitted with the applicant's second renewal application for registration as an athlete agent in North Carolina.

At no time shall the total cash bond or trust account principal exceed one hundred thousand dollars ($100,000) for an individual athlete agent.

(b1) The cash bond shall be returnable to the athlete agent six months after the athlete agent ceases to be a registered North Carolina athlete agent or the Secretary of State has denied the application for registration or renewal, unless the Secretary of State has been notified of pending legal action against the agent by an educational institution pursuant to G.S. 78C-100. The bond or trust account shall be available to satisfy any award or judgment to the educational institution arising from the athlete agent's violation of this Article. The Treasurer of the State of North Carolina or the bank or savings institution holding the trust account shall release the principal and interest accrued on the cash bond or trust account only upon receipt of a court order directing release or upon certification by the Secretary of State that no notice of pending legal action has been received pursuant to this section from an educational institution.

(c) An application filed under this section is a "public record" within the meaning of Chapter 132 of the General Statutes.

...

"§ 78C-94. Required form of contract.

(a) An agency contract must be in a record, signed or otherwise authenticated by the parties. The student-athlete's signature shall be acknowledged before a notary public.

...

"§ 78C-97. Required records; waiver of attorney-client privilege.

(a) An athlete agent shall retain the following records for a period of five years:

(1) The name and address of each individual represented by the athlete agent.

(2) Any agency contract entered into by the athlete agent.

(3) Any ~~direct costs~~expenses incurred by the athlete ~~agent~~ agent, or any person acting at the direction of the athlete agent, in the recruitment or solicitation of a student-athlete to enter into an agency contract.

(4) A list of all other athlete agents affiliated with the athlete agent, employees of the athlete agent, and all persons acting at the direction of the athlete agent in the recruitment or solicitation of student-athletes to enter into agency contracts.

(5) A list of all telephone numbers, including records for each number showing all incoming and outgoing communications, used by the athlete agent, or any person acting at the direction of the athlete agent, in the recruitment or solicitation of a student-athlete to enter into an agency contract.

(6) All checkbooks, bank statements, canceled checks, and credit card statements for all accounts used by the athlete agent, or any person acting at the direction of the athlete agent, in the recruitment or solicitation of a student-athlete to enter into an agency contract.

(7) Originals or copies of all written communications sent by the athlete agent, or any person acting at the direction of the athlete agent, to a student-athlete or to any other person to recruit or solicit a student-athlete to enter into an agency contract.

(8) A record of all communications between an athlete agent, or any person acting at the direction of the athlete agent, with a student-athlete or any person for the purpose of recruiting or soliciting a student-athlete to enter into an agency contract.

(9) Any other record the Secretary of State by rule prescribes.

For purposes of subdivisions (a)(7) and (8) of this subsection, "communication" includes all oral communication and written communication. Written communications include handwritten correspondence, printed correspondence, mailings, text messages, and electronic communications, such as e-mails and communications through social and professional networking sites.

(b) Records required to be retained by subsection (a) of this section are open to inspection by the Secretary of State during normal business hours. An athlete agent shall deliver within 10 business days any records required to be retained by subsection (a) of this section if requested by the Secretary of State or the Secretary's designee.

(c) Where a student-athlete enters into an agency contract regulated under this Article, the student-athlete will be deemed to waive the attorney-client privilege with respect to records required to be retained by subsection (a) of this section, subject to G.S. 78C-94(f).

(d) Within five business days after entering into an agency contract with an individual who was a student-athlete at an educational institution located in this State, the athlete agent shall provide a copy of the executed agency contract to the Secretary of State. This requirement shall only apply to former student-athletes entering into their first agency contract.

(e) Within five business days after being contacted by a person, who may have an expectation of direct gain or profit or reimbursement of expenses from the agency contract, regarding a student-athlete at an educational institution located in this State, the athlete agent shall notify the Secretary of State in writing. The notification shall state the person's name, the person's contact information, the identity of the student-athlete, the method of communication, and the date of the communication. This requirement shall not apply if the person contacting the athlete agent is the student-athlete, spouse, parent, sibling, or guardian of the student-athlete, or employed by the educational institution. Information provided to the Secretary of State pursuant to this subsection is protected by G.S. 132-1.2(1) from disclosure as a public record.

"§ 78C-98. Prohibited ~~conduct.~~conduct of athlete agents.

...

(b) An athlete agent shall not intentionally:

(1) Initiate contact with a student-athlete unless the athlete agent is registered under this Article.
(2) Refuse or fail to retain or permit inspection of the records required to be retained by G.S. 78C-97.
(3) Fail to register as required by G.S. 78C-88.
(4) Provide materially false or misleading information in an application for registration or renewal of registration.
(5) Predate or postdate an agency contract.
(6) Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication shall make the student-athlete ineligible to participate as a student-athlete in that sport.
(7) Furnish anything of value to a student-athlete before the student-athlete enters into an agency contract.

"**§ 78C-98.1. Prohibited conduct of non-athlete agents.**

(a) A person shall not:
(1) Furnish anything of value to a student-athlete or a student-athlete's spouse, parent, child, sibling, or guardian before the student-athlete enters into an agency contract; and
(2) Advise, influence, guide, recommend, encourage, oppose, or discourage the student-athlete's selection of a specific athlete agent with the expectation of profit, compensation, salary, gratuity, or benefit in any form.

(b) Nothing in this section shall prevent a spouse, parent, sibling, grandparent, or guardian of a student-athlete or an educational institution which the student-athlete attends from furnishing anything of value to the student-athlete.

...

"**§ 78C-101. Administrative penalty.**

The Secretary of State may assess a civil penalty against ~~an athlete agent~~ any person in an amount not ~~to exceed~~less than ten thousand dollars ($10,000) nor more than twenty-five thousand dollars ($25,000) for ~~a~~ each violation of the provisions of this Article. The Secretary of State may also seek injunctive relief or any other relief available by law to enforce the provisions of this Article."

SECTION 2. This act becomes effective December 1, 2011, and applies to contracts entered into or offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 796

Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11
Proposed Conference Committee Substitute H796-PCCS90138-LB-17

Short Title: Breweries/Comm. Coll./Supp. Fund. Clarified. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALL PERMITTEES THAT HAVE BEEN ISSUED A BREWERY PERMIT BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO SELL AT RETAIL MALT BEVERAGES THAT HAVE BEEN MANUFACTURED AT THE BREWERY OR AT ANOTHER LOCATION OUT OF STATE BY THE SAME PERMITTEE ONLY ON THE PREMISES OF THE BREWERY AFTER RECEIVING THE PROPER PERMITS, TO CLARIFY THAT CERTAIN HIGH SCHOOL STUDENTS MAY BE PERMITTED TO TAKE NONCREDIT COURSES AT STATE COMMUNITY COLLEGES, AND TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO ALLOT SMALL COUNTY SUPPLEMENTAL FUNDING TO THE CHEROKEE COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1104 reads as rewritten:

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The holder of a brewery permit may:

...

(7) In an area where the sale of any type of alcoholic beverage is authorized by law, sell the brewery's malt beverages or malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina only at the brewery upon receiving a permit under G.S. 18B-1001(1). ~~The brewery also may obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products.~~

(8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products.

A sale or gift under subdivision (5) or (6) shall not be considered a retail or wholesale sale under the ABC laws."

SECTION 2. G.S. 115D-20(4), as amended by Section 7.1A(h) of S.L. 2011-145 and by Section 13(c) of S.L. 2011-391, reads as rewritten:

"**§ 115D-20. Powers and duties of trustees.**

The trustees of each institution shall constitute the local administrative board of such institution, with such powers and duties as are provided in this Chapter and as are delegated to it by the State Board of Community Colleges. The powers and duties of trustees shall include the following:

...

(4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:

a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:

1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate or diploma.
3. College transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses, including English and mathematics, for qualified junior and senior high school students.

b. During the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.

c. High school students may be permitted to take noncredit courses in safe driving on a self-supporting basis during the academic year or the summer.

d. High school students 16 years and older may be permitted to take noncredit courses, except adult basic skills, subject to rules promulgated by the State Board of Community Colleges.

...."

SECTION 3. Notwithstanding Section 7.12(c) of S.L. 2011-145, the Department of Public Instruction is authorized to allot funds from the Small County Supplemental Funding

Allotment to the Cherokee County Schools for the 2011-2012 fiscal year. The amount allotted shall not exceed the allotment to the Cherokee County Schools for the 2010-2011 fiscal year.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 796

Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11

Short Title: Sale of Alcoholic Beverages. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 18B-1004 reads as rewritten:

"**§ 18B-1004. Hours for sale and consumption.**

(a) ~~Hours.~~Hours for On-Premise Locations. – ~~Except as otherwise provided in this section, it~~ It shall be unlawful for a permittee holding on-premise permits for the sale of malt beverages, unfortified wine, fortified wine, or mixed beverages to sell malt beverages, unfortified wine, fortified wine, or mixed beverages between the hours of 2:00 A.M. and 7:00 A.M., or to consume any of those alcoholic beverages between the hours of 2:30 A.M. and 7:00 A.M. ~~A.M., in any place that has been issued a permit under G.S. 18B-1001.~~It shall be unlawful for any person to sell or consume alcoholic beverages on any premises where on-premises permits are issued for the sale of malt beverages, unfortified wine, fortified wine, or mixed beverages from the time at which sale or consumption must cease on Sunday morning until 11:00 A.M. on that day.

(a1) Hours for Off-Premise Locations. – It shall be unlawful for a permittee holding only off-premise permits allowing the sale of malt beverages, unfortified wine, or fortified wine, to sell malt beverages, unfortified wine, or fortified wine between the hours of 2:00 A.M. and 5:00 A.M. on Monday through Saturday, and between the hours of 2:00 A.M. and 11:00 A.M. on Sunday.

(b) Repealed by Session Laws 1991, c. 689, s. 310.

~~(c) Sunday Hours. – It shall be unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 12:00 Noon on that day.~~

~~(d) Local Option. – A city may adopt an ordinance prohibiting in the city the retail sale of malt beverages, unfortified wine, and fortified wine during any or all of the hours from 12:00 Noon on Sunday until 7:00 A.M. on the following Monday. A county may adopt an ordinance prohibiting, in the parts of the county outside any city, the retail sale of malt beverages, unfortified wine, and fortified wine during any or all of the hours from 12:00 Noon on Sunday until 7:00 A.M. on the following Monday. Neither a city nor a county, however, may prohibit those sales in establishments having brown-bagging or mixed beverages permits.~~

(e) This section does not prohibit at any time the wholesale delivery and sale of unfortified wine, fortified wine, and malt beverages to retailers issued permits pursuant to G.S. 18B-1001 or G.S. 18B-1002(a)(2) or (5)."

SECTION 1.(b) G.S. 18B-1006(q) is repealed.

SECTION 1.(c) This act is effective when it becomes law. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 2.(a) G.S. 18B-900(a) reads as rewritten:

"(a) Requirements. – To be eligible to receive and to hold an ABC permit, a person shall:

(1) Be at least 21 years old, unless the person is a manager of a business selling only malt beverages and unfortified wine, in which case the person shall be at least 19 years old;

(2) Be a resident of North Carolina unless:

a. He is an officer, director or stockholder of a corporate applicant or permittee and is not a manager or otherwise responsible for the day-to-day operation of the business; or

b. He has executed a power of attorney designating a qualified resident of this State to serve as attorney in fact for the purposes of receiving service of process and managing the business for which permits are sought; or

c. He is applying for a nonresident malt beverage vendor permit, a nonresident wine vendor permit, or a vendor representative permit;

(3) Not have been convicted of a felony within three years, and, if convicted of a felony before then, shall have had his citizenship restored;

(4) Not have been convicted of an alcoholic beverage offense within two years;

(5) Not have been convicted of a misdemeanor controlled substance offense within two years; and

(6) Not have had an alcoholic beverage permit revoked within three years, except where the revocation was based solely on a permittee's failure to pay the annual registration and inspection fee required in G.S. 18B-903(b1).

(7) Not have, whether as an individual or as an officer, director, shareholder or manager of a corporate permittee, an unsatisfied outstanding final judgment that was entered against him in an action under Article 1A of this Chapter.

(8) Have a valid social security number or be able to produce valid documentation issued to the applicant under the authority of the United States government demonstrating legal presence in the United States.

To avoid undue hardship, however, the Commission may decline to take action under G.S. 18B-104 against a permittee who is in violation of subdivisions (3), (4), or (5)."

SECTION 2.(b) G.S. 18B-1002(d) reads as rewritten:

"(d) Administrative Procedure. – A permit issued pursuant to this section shall not be issued less than 10 days before any qualifying event described in subdivisions (1) through (5) of subsection (a) of this section. The Commission shall notify the ALE Division not more than three business days after the date a permit is issued pursuant to this section, of the name and address of the applicant, the address of the event, and any conditions placed on the permit pursuant to subsection (c) of this section. Denial or revocation of a permit under this section shall not entitle the applicant or permittee to a hearing under Chapter 150B."

SECTION 3.(a) G.S. 18B-603(f) is amended by adding new subdivisions to read:

"(f) Permits Not Dependent on Elections. – The Commission may issue the following kinds of permits without approval at an election:

...

(10) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for hotels, convention centers, food markets, or restaurants located on the Centennial

Campus, Horace Williams Campus, or any Millennial Campus of a constituent institution of The University of North Carolina.

(11) The permits authorized by G.S. 18B-1001(1) and (3) for sale of beer and wine at performing arts centers located on property owned by or leased by a constituent institution of The University of North Carolina if the seating capacity does not exceed 2,000 seats."

SECTION 3.(b) G.S. 18B-1006(a) reads as rewritten:

"(a) School and College Campuses. – No permit for the sale of malt beverages, unfortified wine, or fortified wine shall be issued to a business on the campus or property of a public school or college, other than at a regional facility as defined by G.S. 160A-480.2 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General Statutes except for a public school or college function, unless that business is a hotel or a nonprofit alumni organization with a mixed beverages permit or a special occasion permit. This subsection shall not apply on property owned by a local board of education which was leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of aldermen, a county board of commissioners, or a local school board. This subsection shall also not apply to the constituent institutions of The University of North Carolina with respect to the sale of beer and wine at performing arts centers located on property owned or leased by the institutions if the seating capacity does not exceed 2,000 ~~seats,~~ seats, or to the sale of beer, wine, or mixed beverages at any hotel, convention center, food market, or restaurant located on the Centennial Campus, the Horace Williams Campus, or any Millennial Campus of a constituent institution of The University of North Carolina, or to any golf courses owned or leased by the constituent institutions and open to the public for use."

SECTION 4. Section 3 becomes effective October 1, 2011. The remainder of this act is effective when it becomes law. Prosecutions for offenses committed before the effective date of a section of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 224
Rules and Operations of the Senate Committee Substitute Adopted 6/8/11

Short Title: Professional Sports Agents/College Athletes. (Public)

Sponsors:

Referred to:

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE OUT-OF-STATE APPLICANTS AS ATHLETE AGENTS TO FILE A NORTH CAROLINA APPLICATION; TO CHANGE BONDING REQUIREMENTS FOR ATHLETE AGENTS; TO STRENGTHEN EXISTING ATHLETE SIGNATURE REQUIREMENTS BY REQUIRING NOTARIZED SIGNATURES ON STUDENT-ATHLETE CONTRACTS; TO CLARIFY RECORD-KEEPING REQUIREMENTS; TO EXPAND REQUIREMENTS FOR RECORDS ACCESS FOR THE SECRETARY OF STATE; TO REQUIRE ATHLETE AGENTS TO PROVIDE SIGNED CONTRACTS FOR STUDENT-ATHLETES TO THE SECRETARY OF STATE WITHIN A CERTAIN TIME PERIOD; TO REQUIRE ATHLETE AGENTS TO PROVIDE THE SECRETARY OF STATE WITH NOTARIZED CONTRACTS REGARDING STUDENT-ATHLETES BY A PERSON OTHER THAN AN EDUCATIONAL INSTITUTION EMPLOYEE, FAMILY MEMBER, OR INDIVIDUAL ACTING SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR ORGANIZATION WHERE THE CONTRACTING PERSON MAY HAVE AN EXPECTATION OF BENEFIT; TO CLARIFY THE PROHIBITION ON ATHLETE AGENTS PROVIDING THINGS OF VALUE TO STUDENT-ATHLETES BEFORE THE STUDENT-ATHLETES HAVE SIGNED CONTRACTS WITH THE ATHLETE AGENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 78C of the General Statutes reads as rewritten:

"Article 9.

"Uniform Athlete Agents Act.

"§ 78C-85. Title.

This Article may be cited as the "Uniform Athlete Agents Act".

...

"§ 78C-89. Registration as athlete agent; form; requirements.

(a) An individual seeking registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. The application must be in the name of an individual ~~and, except as otherwise provided in subsection (b) of this section,~~ and signed or otherwise authenticated by the applicant under penalty of perjury and must state or contain the following:

...

(b) ~~An individual who has submitted an application for registration or licensure as an athlete agent in another state or who holds a certificate of registration or licensure as an athlete agent in another state may submit a copy of the application and certificate in lieu of submitting an application in the form prescribed pursuant to subsection (a) of this section. The Secretary of~~

~~State shall accept the application and the certificate from the other state as an application for registration in this State if the application to the other state satisfied all of the following criteria:~~

~~(1) Was submitted in the other state within six months immediately preceding the submission of the application in this State and the applicant certifies that the information contained in the application is current.~~

~~(2) Contains information substantially similar to or more comprehensive than that required in an application submitted in this State.~~

~~(3) Was signed by the applicant under penalty of perjury.~~

An applicant for registration as an athlete agent in North Carolina pursuant to G.S. 78C-88 shall submit with the application a satisfactory cash bond or proof of establishment of a trust account in that amount with a licensed and insured bank or savings institution located in the State of North Carolina. The bond or trust account shall be in favor of the State of North Carolina. If a trust account is established, the applicant shall include with the application two copies of the formal notification by the depository that the trust account is established. Any bond shall be delivered by the Secretary of State to the Treasurer of the State of North Carolina to be maintained in an interest-bearing special fund. The amount of the cash bond or trust account shall be:

(1) Fifty thousand dollars ($50,000) to be submitted with the applicant's initial application for registration as an athlete agent in North Carolina;

(2) An additional twenty-five thousand dollars ($25,000) to be submitted with the applicant's first renewal application for registration as an athlete agent in North Carolina; and

(3) An additional twenty-five thousand dollars ($25,000) to be submitted with the applicant's second renewal application for registration as an athlete agent in North Carolina.

At no time shall the total cash bond or trust account principal exceed one hundred thousand dollars ($100,000) for an individual athlete agent.

(b1) The cash bond shall be returnable to the athlete agent six months after the athlete agent ceases to be a registered North Carolina athlete agent or the Secretary of State has denied the application for registration or renewal, unless the Secretary of State has been notified of pending legal action against the agent by an educational institution pursuant to G.S. 78C-100. The bond or trust account shall be available to satisfy any award or judgment to the educational institution arising from the athlete agent's violation of this Article. The Treasurer of the State of North Carolina or the bank or savings institution holding the trust account shall release the principal and interest accrued on the cash bond or trust account only upon receipt of a court order directing release or upon certification by the Secretary of State that no notice of pending legal action has been received pursuant to this section from an educational institution.

(c) An application filed under this section is a "public record" within the meaning of Chapter 132 of the General Statutes.

...

"§ 78C-94. Required form of contract.

(a) An agency contract must be in a record, signed or otherwise authenticated by the parties. The student-athlete's signature shall be acknowledged before a notary public.

...

"§ 78C-97. Required records; waiver of attorney-client privilege.

(a) An athlete agent shall retain the following records for a period of five years:

(1) The name and address of each individual represented by the athlete agent.

(2) Any agency contract entered into by the athlete agent.

(3) Any ~~direct costs~~expenses incurred by the athlete ~~agent~~ agent, or any person acting at the direction of the athlete agent, in the recruitment or solicitation of a student-athlete to enter into an agency contract.

(4) A list of all other athlete agents affiliated with the athlete agent, employees of the athlete agent, and all persons acting at the direction of the athlete agent in the recruitment or solicitation of student-athletes to enter into agency contracts.

(5) A list of all telephone numbers, including records for each number showing all incoming and outgoing communications, used by the athlete agent, or any person acting at the direction of the athlete agent, in the recruitment or solicitation of a student-athlete to enter into an agency contract.

(6) All checkbooks, bank statements, canceled checks, and credit card statements for all accounts used by the athlete agent, or any person acting at the direction of the athlete agent, in the recruitment or solicitation of a student-athlete to enter into an agency contract.

(7) Originals or copies of all written communications sent by the athlete agent, or any person acting at the direction of the athlete agent, to a student-athlete or to any other person to recruit or solicit a student-athlete to enter into an agency contract.

(8) A record of all communications between an athlete agent, or any person acting at the direction of the athlete agent, with a student-athlete or any person for the purpose of recruiting or soliciting a student-athlete to enter into an agency contract.

(9) Any other record the Secretary of State by rule prescribes.

For purposes of subdivisions (a)(7) and (8) of this subsection, "communication" includes all oral communication and written communication. Written communications include handwritten correspondence, printed correspondence, mailings, text messages, and electronic communications, such as e-mails and communications through social and professional networking sites.

(b) Records required to be retained by subsection (a) of this section are open to inspection by the Secretary of State during normal business hours. An athlete agent shall deliver within 10 business days any records required to be retained by subsection (a) of this section if requested by the Secretary of State or the Secretary's designee.

(c) Where a student-athlete enters into an agency contract regulated under this Article, the student-athlete will be deemed to waive the attorney-client privilege with respect to records required to be retained by subsection (a) of this section, subject to G.S. 78C-94(f).

(d) Within five business days after entering into an agency contract with an individual who was a student-athlete at an educational institution located in this State, the athlete agent shall provide a copy of the executed agency contract to the Secretary of State. This requirement shall only apply to former student-athletes entering into their first agency contract.

(e) Within five business days after being contacted by a person, who may have an expectation of direct gain or profit or reimbursement of expenses from the agency contract, regarding a student-athlete at an educational institution located in this State, the athlete agent shall notify the Secretary of State in writing. The notification shall state the person's name, the person's contact information, the identity of the student-athlete, the method of communication, and the date of the communication. This requirement shall not apply if the person contacting the athlete agent is the student-athlete, spouse, parent, sibling, or guardian of the student-athlete, or employed by the educational institution. Information provided to the Secretary of State pursuant to this subsection is protected by G.S. 132-1.2(1) from disclosure as a public record.

"§ 78C-98. Prohibited ~~conduct.~~conduct of athlete agents.

...

(b) An athlete agent shall not intentionally:

(1) Initiate contact with a student-athlete unless the athlete agent is registered under this Article.
(2) Refuse or fail to retain or permit inspection of the records required to be retained by G.S. 78C-97.
(3) Fail to register as required by G.S. 78C-88.
(4) Provide materially false or misleading information in an application for registration or renewal of registration.
(5) Predate or postdate an agency contract.
(6) Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication shall make the student-athlete ineligible to participate as a student-athlete in that sport.
(7) Furnish anything of value to a student-athlete before the student-athlete enters into an agency contract.

"**§ 78C-98.1. Prohibited conduct of non-athlete agents.**

(a) A person shall not:
(1) Furnish anything of value to a student-athlete or a student-athlete's spouse, parent, child, sibling, or guardian before the student-athlete enters into an agency contract; and
(2) Advise, influence, guide, recommend, encourage, oppose, or discourage the student-athlete's selection of a specific athlete agent with the expectation of profit, compensation, salary, gratuity, or benefit in any form.

(b) Nothing in this section shall prevent a spouse, parent, sibling, grandparent, or guardian of a student-athlete or an educational institution which the student-athlete attends from furnishing anything of value to the student-athlete.

...

"**§ 78C-101. Administrative penalty.**

The Secretary of State may assess a civil penalty against ~~an athlete agent~~ any person in an amount not ~~to exceed~~less than ten thousand dollars ($10,000) nor more than twenty-five thousand dollars ($25,000) for ~~a~~ each violation of the provisions of this Article. The Secretary of State may also seek injunctive relief or any other relief available by law to enforce the provisions of this Article."

SECTION 2. This act becomes effective December 1, 2011, and applies to contracts entered into or offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 796

Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11
Proposed Conference Committee Substitute H796-PCCS90138-LB-17

Short Title: Breweries/Comm. Coll./Supp. Fund. Clarified. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALL PERMITTEES THAT HAVE BEEN ISSUED A BREWERY PERMIT BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO SELL AT RETAIL MALT BEVERAGES THAT HAVE BEEN MANUFACTURED AT THE BREWERY OR AT ANOTHER LOCATION OUT OF STATE BY THE SAME PERMITTEE ONLY ON THE PREMISES OF THE BREWERY AFTER RECEIVING THE PROPER PERMITS, TO CLARIFY THAT CERTAIN HIGH SCHOOL STUDENTS MAY BE PERMITTED TO TAKE NONCREDIT COURSES AT STATE COMMUNITY COLLEGES, AND TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO ALLOT SMALL COUNTY SUPPLEMENTAL FUNDING TO THE CHEROKEE COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1104 reads as rewritten:

"**§ 18B-1104. Authorization of brewery permit.**

The holder of a brewery permit may:

...

(7) In an area where the sale of any type of alcoholic beverage is authorized by law, sell the brewery's malt beverages or malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina only at the brewery upon receiving a permit under G.S. 18B-1001(1). ~~The brewery also may obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products.~~

(8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products.

A sale or gift under subdivision (5) or (6) shall not be considered a retail or wholesale sale under the ABC laws."

SECTION 2. G.S. 115D-20(4), as amended by Section 7.1A(h) of S.L. 2011-145 and by Section 13(c) of S.L. 2011-391, reads as rewritten:

"**§ 115D-20. Powers and duties of trustees.**

The trustees of each institution shall constitute the local administrative board of such institution, with such powers and duties as are provided in this Chapter and as are delegated to it by the State Board of Community Colleges. The powers and duties of trustees shall include the following:

...

(4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:

a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:

1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate or diploma.
3. College transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses, including English and mathematics, for qualified junior and senior high school students.

b. During the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.

c. High school students may be permitted to take noncredit courses in safe driving on a self-supporting basis during the academic year or the summer.

d. High school students 16 years and older may be permitted to take noncredit courses, except adult basic skills, subject to rules promulgated by the State Board of Community Colleges.

...."

SECTION 3. Notwithstanding Section 7.12(c) of S.L. 2011-145, the Department of Public Instruction is authorized to allot funds from the Small County Supplemental Funding

Allotment to the Cherokee County Schools for the 2011-2012 fiscal year. The amount allotted shall not exceed the allotment to the Cherokee County Schools for the 2010-2011 fiscal year.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 796

Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11
Proposed Conference Committee Substitute H796-PCCS90138-LB-17

Short Title: Breweries/Comm. Coll./Supp. Fund. Clarified. (Public)

Sponsors:

Referred to:

April 7, 2011

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...

(4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:

a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:

1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate or diploma.
3. College transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses, including English and mathematics, for qualified junior and senior high school students.

b. During the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.

c. High school students may be permitted to take noncredit courses in safe driving on a self-supporting basis during the academic year or the summer.

d. High school students 16 years and older may be permitted to take noncredit courses, except adult basic skills, subject to rules promulgated by the State Board of Community Colleges.

...."

SECTION 3. Notwithstanding Section 7.12(c) of S.L. 2011-145, the Department of Public Instruction is authorized to allot funds from the Small County Supplemental Funding

Allotment to the Cherokee County Schools for the 2011-2012 fiscal year. The amount allotted shall not exceed the allotment to the Cherokee County Schools for the 2010-2011 fiscal year.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 224
Rules and Operations of the Senate Committee Substitute Adopted 6/8/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S224-PCS95119-LG-30

Short Title: Additional Appointments for 2011. (Public)

Sponsors:

Referred to:

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE ADDITIONAL APPOINTMENTS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND 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 President Pro Tempore of the Senate and the Speaker of the House of Representatives; and

Whereas, the President Pro Tempore of the Senate and the Speaker of the House of Representatives have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Thompson H. Forbes III of Pitt County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2015.

PART II. SPEAKER'S RECOMMENDATIONS

SECTION 2.1. Kevin S. Gordon of Cleveland County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2013, to fill the unexpired term of Garry Cooper.

SECTION 2.2. Charles M. DeVane, Jr. of Bladen County is appointed to the Southeastern North Carolina Regional Development Commission for a term expiring on June 30, 2015, to fill the unexpired term of John R. Andrew.

SECTION 2.3. Benjamin C. Hobbs of Perquimans County is appointed to the North Carolina's Northeast Commission for a term expiring on June 30, 2012, to fill the unexpired term of Fredrick L. Yates.

PART III. EFFECTIVE DATE

SECTION 3.1. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 224
Rules and Operations of the Senate Committee Substitute Adopted 6/8/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S224-PCS95119-LG-30

Short Title: Additional Appointments for 2011. (Public)

Sponsors:

Referred to:

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE ADDITIONAL APPOINTMENTS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND 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 President Pro Tempore of the Senate and the Speaker of the House of Representatives; and

Whereas, the President Pro Tempore of the Senate and the Speaker of the House of Representatives have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Thompson H. Forbes III of Pitt County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2015.

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SECTION 2.3. Benjamin C. Hobbs of Perquimans County is appointed to the North Carolina's Northeast Commission for a term expiring on June 30, 2012, to fill the unexpired term of Fredrick L. Yates.

PART III. EFFECTIVE DATE

SECTION 3.1. This act is effective when it becomes law.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

HB 796 A BILL TO BE ENTITLED AN ACT TO ALLOW ALL PERMITTEES THAT HAVE BEEN ISSUED A BREWERY PERMIT BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO SELL AT RETAIL MALT BEVERAGES THAT HAVE BEEN MANUFACTURED AT THE BREWERY OR AT ANOTHER LOCATION OUT OF STATE BY THE SAME PERMITTEE ONLY ON THE PREMISES OF THE BREWERY AFTER RECEIVING THE PROPER PERMITS, TO CLARIFY THAT CERTAIN HIGH SCHOOL STUDENTS MAY BE PERMITTED TO TAKE NONCREDIT COURSES AT STATE COMMUNITY COLLEGES, AND TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO ALLOT SMALL COUNTY SUPPLEMENTAL FUNDING TO THE CHEROKEE COUNTY SCHOOLS.

☒ With recommendation that the conference report, which changes the title be adopted..

(FOR JOURNAL USE ONLY)

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

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

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 224 A BILL TO BE ENTITLED AN ACT TO REQUIRE OUT-OF-STATE APPLICANTS AS ATHLETE AGENTS TO FILE A NORTH CAROLINA APPLICATION; TO CHANGE BONDING REQUIREMENTS FOR ATHLETE AGENTS; TO STRENGTHEN EXISTING ATHLETE SIGNATURE REQUIREMENTS BY REQUIRING NOTARIZED SIGNATURES ON STUDENT-ATHLETE CONTRACTS; TO CLARIFY RECORD-KEEPING REQUIREMENTS; TO EXPAND REQUIREMENTS FOR RECORDS ACCESS FOR THE SECRETARY OF STATE; TO REQUIRE ATHLETE AGENTS TO PROVIDE SIGNED CONTRACTS FOR STUDENT- ATHLETES TO THE SECRETARY OF STATE WITHIN A CERTAIN TIME PERIOD; TO REQUIRE ATHLETE AGENTS TO PROVIDE THE SECRETARY OF STATE WITH NOTARIZED CONTRACTS REGARDING STUDENT-ATHLETES BY A PERSON OTHER THAN AN EDUCATIONAL INSTITUTION EMPLOYEE, FAMILY MEMBER, OR INDIVIDUAL ACTING SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR ORGANIZATION WHERE THE CONTRACTING PERSON MAY HAVE AN EXPECTATION OF BENEFIT; TO CLARIFY THE PROHIBITION ON ATHLETE AGENTS PROVIDING THINGS OF VALUE TO STUDENT-ATHLETES BEFORE THE STUDENT-ATHLETES HAVE SIGNED CONTRACTS WITH THE ATHLETE AGENTS.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

VISITOR REGISTRATION SHEET

RULES — 11-28-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Henry Jones	Jordan Price, Raleigh
Dana Sykes	Smith Mozley
John R	CCWC
Clay Bigg	NCMS
Allison Waller	NMRS
Leann Killian	NMRS
Fred Baggett	NC Association of Police Chiefs
EDDIE CALDWELL	NC Sheriffs' Assn.
Connie Wilson	CWC, Inc.
Andrew Cagle	NC Sheriffs' Assn.
Cady Thomas	NCAR

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Wendy Kelly	Policy Group
Fred Bonn	Bonn & Asso,
John Bowdish	AstraZeneca
Jaye Peters	CSS
[illegible]	[illegible]
Betsy Bailey	PENC
[illegible]	CHPA
BERRY JENKINS	CAGC
TIM KENT	NC Beer & Wine
Rev. MARK CREECH	CPC
[illegible]	MWC
Bob Heath	MWC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Frank Gray	NCRLA
David Baum	Troutman Sanders
Tom Moore	Ewm
Jay Stem	NCAA
Michelle Frazier	MFFS
John McMillan	MFFS
Doug Bailey	Anheuser-Busch Cos. Inc.
Jon Lee	Jordan Price Law Firm
Andy Eller	NCFMA
Elizabeth Roberts	NCRM
Angell Sams	NSS

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kari Barsness	DENR
Jennifer Willis	NCCCS
PAIGE WORSHAM	LEGISLATIVE REPORTING SERVICE
Katherine Joyce	NCASA
Kelli Kuruna	NCLM
Lisa Martin	NC HBA
Jeff Joyce	Asheville Chamber
Tom BEAN	EDF, NCSEA, NCWF
Meg Maida Asbill	SELC
Karen Duquette	Citizen
Maeve Goff	Duke Energy

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
November 28, 2011

The Committee on Rules, Calendar and Operations of the House met November 28, 2011 at 3:31 p.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore Chair, Representative LaRoque Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Crawford, Daughtry, Faison, Farmer-Butterfield, Gillespie, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, Moffitt, Saine, Samuelson, Stam, and Stone.

Rep. Moore presided.

The following bill was considered:

HB 645 Authorize Adult Day/Overnight Respite Program (Rep. Moore, Primary Sponsor). Rep. Gillespie motioned for the PCS before the committee. Motion passed. Rep Gillespie explained the bill. Discussion and debate on the bill. Rep. Stone motioned for a favorable report as to the PCS, which changes the title, unfavorable to the original with a re-referral to the House Committee on Finance. Vote called and the motion passed.

Chair Moore adjourned at 4:01 p.m.

Respectfully submitted:

Rep. Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

ım: Nancy Garriss (Rep. Tim Moore)
_ _ıt: Monday, November 28, 2011 8:55 AM
To: Rep. Tim Moore
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Mon, 11-28-2011 at 3:30 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, November 28, 2011
TIME: 3:30 pm
LOCATION: 1327 LB
ƆMMENTS: Bills to be determined.

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 AM** o'clock on **November 28, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 645
Committee Substitute Favorable 4/20/11
PROPOSED COMMITTEE SUBSTITUTE H645-PCS11268-ME-27

Short Title: Motor Fuel Excise Tax Adjustment & Studies. (Public)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A TEMPORARY CAP FOR THE MOTOR FUEL EXCISE TAX RATE, TO ADJUST THE 2011-2012 BUDGET FOR THE DEPARTMENT OF TRANSPORTATION, TO STUDY TRANSPORTATION REVENUES, AND TO STUDY THE IMPACT TO THE STATE OF A REDUCTION IN FEDERAL TRANSPORTATION FUNDING.

The General Assembly of North Carolina enacts:

SECTION 1. Temporary Fuel Tax Cap. – Notwithstanding G.S. 105-449.80(a), for the period January 1, 2012, through June 30, 2012, the variable wholesale component of the motor fuel excise tax rate may not exceed seventeen and one-half cents (17 1/2¢) per gallon.

SECTION 2. Highway Fund Adjustments. – (a) Notwithstanding S.L. 2011-145, S.L. 2011-391, or any other provision of law, the Department of Transportation shall have management flexibility in fiscal year 2011-2012 to achieve ninety-five million eight hundred thirty-five thousand five hundred eighty-seven dollars ($95,835,587) in savings in expenditures from the Highway Fund. In making the management flexibility reductions required under this section, the Department of Transportation may reduce program allocations, but shall continue to use the statutory program distribution formulas that ensure the equitable distribution of highway funding throughout the State within a given program. In making the management flexibility reductions required under this section, the Department of Transportation may eliminate positions and shall make pro rata reductions in programs, including administration and transfers to other State agencies.

SECTION 2.(b) Notwithstanding G.S. 136-44.2 or any other provision of law, the Department of Transportation shall use the sum of thirty-one million seven hundred forty-four thousand four hundred sixty-four dollars ($31,744,464) from the unreserved credit balance in the Highway Fund to reduce the amount of the management flexibility cut required under subsection (a) of this section.

SECTION 2.(c) Part III of S.L. 2011-145, as amended by Section 3 of S.L. 2011-391, reads as rewritten:

"PART III. CURRENT OPERATIONS/HIGHWAY FUND

"CURRENT OPERATIONS/HIGHWAY FUND

"**SECTION 3.1.** Appropriations from the State Highway Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated are made for the fiscal biennium ending June 30, 2013, according to the following schedule:

Current Operations – Highway Fund	**2011-2012**	**2012-2013**
...		
Total	~~**$ 2,049,200,000**~~ **$ 1,985,108,877**	**$ 2,134,160,000**

"**HIGHWAY FUND AVAILABILITY STATEMENT**

"**SECTION 3.2.** The Highway Fund availability used in developing the 2011-2013 fiscal biennial budget is shown below:

Highway Fund Availability Statement	**2011-2012**	**2012-2013**
~~Unappropriated Balance from Previous Year~~ Estimated Unreserved Fund Balance	$ 24,000,000	$ 0
~~Beginning Credit Balance~~	~~0~~	~~0~~
Adjustment to Estimated Unreserved Fund Balance	53,110,208	0
Estimated Revenue	~~2,025,200,000~~ 1,929,364,413	2,134,160,000
Total Highway Fund Availability	~~$ 2,049,200,000~~ $ 2,006,474,621	$ 2,134,160,000
Unappropriated Balance	~~$ 0~~ $ 21,365,744"	$ 0

SECTION 3. Highway Trust Fund Adjustments. – (a) Part IV of S.L. 2011-145 reads as rewritten:

"**PART IV. HIGHWAY TRUST FUND APPROPRIATIONS**

"**HIGHWAY TRUST FUND APPROPRIATIONS**

"**SECTION 4.1.** Appropriations from the State Highway Trust Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated are made for the fiscal biennium ending June 30, 2013, according to the following schedule:

Current Operations – Highway Trust Fund	**2011-2012**	**2012-2013**
Intrastate	~~$ 460,823,529~~ $ 440,424,274	$ 487,503,034
Aid to Municipalities	~~51,216,036~~ 49,075,678	54,043,432
Secondary Roads	~~43,655,667~~ 41,515,309	49,320,944
Urban Loops	~~263,587,722~~ 255,339,113	212,957,986
Program Administration	44,774,400	47,107,200
Turnpike Authority	64,000,000	81,500,000
Transfer to General Fund	76,720,918	27,595,861

Transfer to Highway Fund	400,000	400,000
Debt Service	79,231,728	81,481,543
Mobility Fund	31,000,000	0
Reserves	0	45,000,000
GRAND TOTAL CURRENT OPERATIONS	~~**$ 1,115,410,000**~~ **$ 1,082,481,420**	**$ 1,086,910,000**

HIGHWAY TRUST FUND AVAILABILITY STATEMENT

SECTION 4.2. The Highway Trust Fund availability used in developing the 2011-2013 fiscal biennial budget is shown below:

Highway Trust Fund Availability	**2011-2012**	**2012-2013**
Unappropriated Balance	$ 75,000,000	$ 0
Estimated Revenue	~~1,040,410,000~~ 1,007,481,420	1,086,910,000
Total Highway Trust Fund Availability	~~**$ 1,115,410,000**~~ **$ 1,082,481,420**"	**$ 1,086,910,000**

SECTION 3.(b) In making the reductions required under this section, the Department of Transportation may eliminate positions.

SECTION 4. Report on Reductions. – The Department of Transportation shall report to the House Appropriations Committee and the Senate Appropriations/Base Budget Committee on its implementation of the reductions required by this act. The report shall contain details such as how the Department allocated cuts among the items listed in Section 3.1 of S.L. 2011-145, how programs were affected, how many and which positions were eliminated, where operating savings were found, and which projects were delayed. The Department shall file this report with the appropriations committees no later than February 10, 2012, by submitting copies of the report to the chairs of the appropriations committees, to the chairs of the House Appropriations Subcommittee on Transportation and Senate Appropriations on Department of Transportation Committee, and to the Fiscal Research Division of the General Assembly.

SECTION 5. Study Transportation Revenues. – The Joint Legislative Transportation Oversight Committee shall study the issue of reforming the current motor fuel excise tax formula. This study shall include options to change the method used to tax motor fuels in order to (i) produce consistent revenues without wide rate variations, (ii) reflect consumer consumption and commuting patterns, (iii) create a revenue stream that remains stable in the future as automotive advancements increase fuel economy and offer alternative fuels, and (iv) create a fair and equitable tax system for all users of State-maintained roads. This study shall also evaluate all fees and taxes deposited into the Highway Fund and Highway Trust Fund and include options to modernize, streamline, and reform any applicable taxes and fees. This study shall evaluate the adequacy of current transportation funding and offer recommendations to create a comprehensive tax structure that generates adequate revenues to meet road maintenance and construction needs into the future. In conducting its study, the Joint Legislative Transportation Oversight Committee may hire a consultant with expertise in transportation finance. The Joint Legislative Transportation Oversight Committee shall report its findings along with its recommendations to the 2013 General Assembly upon the convening of the 2013 Regular Session.

SECTION 6. Study Reduction of Federal Allocation. – If the amount of the federal allocation to North Carolina for transportation is reduced by more than ten percent (10%) from the prior year's allocation prior to the convening of the 2012 Regular Session of the 2011

General Assembly, then the Joint Legislative Transportation Oversight Committee shall study the impact of the reduction to the State and shall present options and recommendation to the 2012 Regular Session of the General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 645
Committee Substitute Favorable 4/20/11
PROPOSED COMMITTEE SUBSTITUTE H645-PCS11268-ME-27

Short Title: Motor Fuel Excise Tax Adjustment & Studies. (Public)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A TEMPORARY CAP FOR THE MOTOR FUEL EXCISE TAX RATE, TO ADJUST THE 2011-2012 BUDGET FOR THE DEPARTMENT OF TRANSPORTATION, TO STUDY TRANSPORTATION REVENUES, AND TO STUDY THE IMPACT TO THE STATE OF A REDUCTION IN FEDERAL TRANSPORTATION FUNDING.

The General Assembly of North Carolina enacts:

SECTION 1. Temporary Fuel Tax Cap. – Notwithstanding G.S. 105-449.80(a), for the period January 1, 2012, through June 30, 2012, the variable wholesale component of the motor fuel excise tax rate may not exceed seventeen and one-half cents (17 1/2¢) per gallon.

SECTION 2. Highway Fund Adjustments. – (a) Notwithstanding S.L. 2011-145, S.L. 2011-391, or any other provision of law, the Department of Transportation shall have management flexibility in fiscal year 2011-2012 to achieve ninety-five million eight hundred thirty-five thousand five hundred eighty-seven dollars ($95,835,587) in savings in expenditures from the Highway Fund. In making the management flexibility reductions required under this section, the Department of Transportation may reduce program allocations, but shall continue to use the statutory program distribution formulas that ensure the equitable distribution of highway funding throughout the State within a given program. In making the management flexibility reductions required under this section, the Department of Transportation may eliminate positions and shall make pro rata reductions in programs, including administration and transfers to other State agencies.

SECTION 2.(b) Notwithstanding G.S. 136-44.2 or any other provision of law, the Department of Transportation shall use the sum of thirty-one million seven hundred forty-four thousand four hundred sixty-four dollars ($31,744,464) from the unreserved credit balance in the Highway Fund to reduce the amount of the management flexibility cut required under subsection (a) of this section.

SECTION 2.(c) Part III of S.L. 2011-145, as amended by Section 3 of S.L. 2011-391, reads as rewritten:

"PART III. CURRENT OPERATIONS/HIGHWAY FUND

"CURRENT OPERATIONS/HIGHWAY FUND

"**SECTION 3.1.** Appropriations from the State Highway Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated are made for the fiscal biennium ending June 30, 2013, according to the following schedule:

Current Operations – Highway Fund	**2011-2012**	**2012-2013**
...		
Total	~~**$ 2,049,200,000**~~ **$ 1,985,108,877**	**$ 2,134,160,000**

"**HIGHWAY FUND AVAILABILITY STATEMENT**

"**SECTION 3.2.** The Highway Fund availability used in developing the 2011-2013 fiscal biennial budget is shown below:

Highway Fund Availability Statement	**2011-2012**	**2012-2013**
~~Unappropriated Balance from Previous Year~~ Estimated Unreserved Fund Balance	$ 24,000,000	$ 0
~~Beginning Credit Balance~~	~~0~~	~~0~~
Adjustment to Estimated Unreserved Fund Balance	53,110,208	0
Estimated Revenue	~~2,025,200,000~~ 1,929,364,413	2,134,160,000
Total Highway Fund Availability	~~$ 2,049,200,000~~ $ 2,006,474,621	$ 2,134,160,000
Unappropriated Balance	~~$ 0~~ $ 21,365,744"	$ 0

SECTION 3. Highway Trust Fund Adjustments. – (a) Part IV of S.L. 2011-145 reads as rewritten:

"**PART IV. HIGHWAY TRUST FUND APPROPRIATIONS**

"**HIGHWAY TRUST FUND APPROPRIATIONS**

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Transfer to Highway Fund	400,000	400,000
Debt Service	79,231,728	81,481,543
Mobility Fund	31,000,000	0
Reserves	0	45,000,000
GRAND TOTAL CURRENT OPERATIONS	~~**$ 1,115,410,000**~~ **$ 1,082,481,420**	**$ 1,086,910,000**

HIGHWAY TRUST FUND AVAILABILITY STATEMENT

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Total Highway Trust Fund Availability	~~**$ 1,115,410,000**~~ **$ 1,082,481,420**"	**$ 1,086,910,000**

SECTION 3.(b) In making the reductions required under this section, the Department of Transportation may eliminate positions.

SECTION 4. Report on Reductions. – The Department of Transportation shall report to the House Appropriations Committee and the Senate Appropriations/Base Budget Committee on its implementation of the reductions required by this act. The report shall contain details such as how the Department allocated cuts among the items listed in Section 3.1 of S.L. 2011-145, how programs were affected, how many and which positions were eliminated, where operating savings were found, and which projects were delayed. The Department shall file this report with the appropriations committees no later than February 10, 2012, by submitting copies of the report to the chairs of the appropriations committees, to the chairs of the House Appropriations Subcommittee on Transportation and Senate Appropriations on Department of Transportation Committee, and to the Fiscal Research Division of the General Assembly.

SECTION 5. Study Transportation Revenues. – The Joint Legislative Transportation Oversight Committee shall study the issue of reforming the current motor fuel excise tax formula. This study shall include options to change the method used to tax motor fuels in order to (i) produce consistent revenues without wide rate variations, (ii) reflect consumer consumption and commuting patterns, (iii) create a revenue stream that remains stable in the future as automotive advancements increase fuel economy and offer alternative fuels, and (iv) create a fair and equitable tax system for all users of State-maintained roads. This study shall also evaluate all fees and taxes deposited into the Highway Fund and Highway Trust Fund and include options to modernize, streamline, and reform any applicable taxes and fees. This study shall evaluate the adequacy of current transportation funding and offer recommendations to create a comprehensive tax structure that generates adequate revenues to meet road maintenance and construction needs into the future. In conducting its study, the Joint Legislative Transportation Oversight Committee may hire a consultant with expertise in transportation finance. The Joint Legislative Transportation Oversight Committee shall report its findings along with its recommendations to the 2013 General Assembly upon the convening of the 2013 Regular Session.

SECTION 6. Study Reduction of Federal Allocation. – If the amount of the federal allocation to North Carolina for transportation is reduced by more than ten percent (10%) from the prior year's allocation prior to the convening of the 2012 Regular Session of the 2011

General Assembly, then the Joint Legislative Transportation Oversight Committee shall study the impact of the reduction to the State and shall present options and recommendation to the 2012 Regular Session of the General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 645
Committee Substitute Favorable 4/20/11
PROPOSED COMMITTEE SUBSTITUTE H645-PCS11268-ME-27

Short Title: Motor Fuel Excise Tax Adjustment & Studies. (Public)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A TEMPORARY CAP FOR THE MOTOR FUEL EXCISE TAX RATE, TO ADJUST THE 2011-2012 BUDGET FOR THE DEPARTMENT OF TRANSPORTATION, TO STUDY TRANSPORTATION REVENUES, AND TO STUDY THE IMPACT TO THE STATE OF A REDUCTION IN FEDERAL TRANSPORTATION FUNDING.

The General Assembly of North Carolina enacts:

SECTION 1. Temporary Fuel Tax Cap. – Notwithstanding G.S. 105-449.80(a), for the period January 1, 2012, through June 30, 2012, the variable wholesale component of the motor fuel excise tax rate may not exceed seventeen and one-half cents (17 1/2¢) per gallon.

SECTION 2. Highway Fund Adjustments. – (a) Notwithstanding S.L. 2011-145, S.L. 2011-391, or any other provision of law, the Department of Transportation shall have management flexibility in fiscal year 2011-2012 to achieve ninety-five million eight hundred thirty-five thousand five hundred eighty-seven dollars ($95,835,587) in savings in expenditures from the Highway Fund. In making the management flexibility reductions required under this section, the Department of Transportation may reduce program allocations, but shall continue to use the statutory program distribution formulas that ensure the equitable distribution of highway funding throughout the State within a given program. In making the management flexibility reductions required under this section, the Department of Transportation may eliminate positions and shall make pro rata reductions in programs, including administration and transfers to other State agencies.

SECTION 2.(b) Notwithstanding G.S. 136-44.2 or any other provision of law, the Department of Transportation shall use the sum of thirty-one million seven hundred forty-four thousand four hundred sixty-four dollars ($31,744,464) from the unreserved credit balance in the Highway Fund to reduce the amount of the management flexibility cut required under subsection (a) of this section.

SECTION 2.(c) Part III of S.L. 2011-145, as amended by Section 3 of S.L. 2011-391, reads as rewritten:

"PART III. CURRENT OPERATIONS/HIGHWAY FUND

"CURRENT OPERATIONS/HIGHWAY FUND

"**SECTION 3.1.** Appropriations from the State Highway Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated are made for the fiscal biennium ending June 30, 2013, according to the following schedule:

Current Operations – Highway Fund	**2011-2012**	**2012-2013**
...		
Total	~~$ 2,049,200,000~~ $ 1,985,108,877	$ 2,134,160,000

"**HIGHWAY FUND AVAILABILITY STATEMENT**

"**SECTION 3.2.** The Highway Fund availability used in developing the 2011-2013 fiscal biennial budget is shown below:

Highway Fund Availability Statement	**2011-2012**	**2012-2013**
~~Unappropriated Balance from Previous Year~~ Estimated Unreserved Fund Balance	$ 24,000,000	$ 0
~~Beginning Credit Balance~~	~~0~~	~~0~~
Adjustment to Estimated Unreserved Fund Balance	53,110,208	0
Estimated Revenue	~~2,025,200,000~~ 1,929,364,413	2,134,160,000
Total Highway Fund Availability	~~$ 2,049,200,000~~ $ 2,006,474,621	$ 2,134,160,000
Unappropriated Balance	~~$ 0~~ $ 21,365,744"	$ 0

SECTION 3. Highway Trust Fund Adjustments. – (a) Part IV of S.L. 2011-145 reads as rewritten:

"**PART IV. HIGHWAY TRUST FUND APPROPRIATIONS**

"**HIGHWAY TRUST FUND APPROPRIATIONS**

"**SECTION 4.1.** Appropriations from the State Highway Trust Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated are made for the fiscal biennium ending June 30, 2013, according to the following schedule:

1989 bill

Current Operations – Highway Trust Fund	**2011-2012**	**2012-2013**
Intrastate	~~$ 460,823,529~~ $ 440,424,274	$ 487,503,034
Aid to Municipalities	~~51,216,036~~ 49,075,678	54,043,432
Secondary Roads	~~43,655,667~~ 41,515,309	49,320,944
Urban Loops	~~263,587,722~~ 255,339,113	212,957,986
Program Administration	44,774,400	47,107,200
Turnpike Authority	64,000,000	81,500,000
Transfer to General Fund	76,720,918	27,595,861

Transfer to Highway Fund	400,000	400,000
Debt Service	79,231,728	81,481,543
Mobility Fund	31,000,000	0
Reserves	0	45,000,000
GRAND TOTAL CURRENT OPERATIONS	~~**$ 1,115,410,000**~~ **$ 1,082,481,420**	**$ 1,086,910,000**

HIGHWAY TRUST FUND AVAILABILITY STATEMENT

SECTION 4.2. The Highway Trust Fund availability used in developing the 2011-2013 fiscal biennial budget is shown below:

Highway Trust Fund Availability	**2011-2012**	**2012-2013**
Unappropriated Balance	$ 75,000,000	$ 0
Estimated Revenue	~~1,040,410,000~~ 1,007,481,420	1,086,910,000
Total Highway Trust Fund Availability	~~**$ 1,115,410,000**~~ **$ 1,082,481,420**"	**$ 1,086,910,000**

SECTION 3.(b) In making the reductions required under this section, the Department of Transportation may eliminate positions.

SECTION 4. Report on Reductions. – The Department of Transportation shall report to the House Appropriations Committee and the Senate Appropriations/Base Budget Committee on its implementation of the reductions required by this act. The report shall contain details such as how the Department allocated cuts among the items listed in Section 3.1 of S.L. 2011-145, how programs were affected, how many and which positions were eliminated, where operating savings were found, and which projects were delayed. The Department shall file this report with the appropriations committees no later than February 10, 2012, by submitting copies of the report to the chairs of the appropriations committees, to the chairs of the House Appropriations Subcommittee on Transportation and Senate Appropriations on Department of Transportation Committee, and to the Fiscal Research Division of the General Assembly.

SECTION 5. Study Transportation Revenues. – The Joint Legislative Transportation Oversight Committee shall study the issue of reforming the current motor fuel excise tax formula. This study shall include options to change the method used to tax motor fuels in order to (i) produce consistent revenues without wide rate variations, (ii) reflect consumer consumption and commuting patterns, (iii) create a revenue stream that remains stable in the future as automotive advancements increase fuel economy and offer alternative fuels, and (iv) create a fair and equitable tax system for all users of State-maintained roads. This study shall also evaluate all fees and taxes deposited into the Highway Fund and Highway Trust Fund and include options to modernize, streamline, and reform any applicable taxes and fees. This study shall evaluate the adequacy of current transportation funding and offer recommendations to create a comprehensive tax structure that generates adequate revenues to meet road maintenance and construction needs into the future. In conducting its study, the Joint Legislative Transportation Oversight Committee may hire a consultant with expertise in transportation finance. The Joint Legislative Transportation Oversight Committee shall report its findings along with its recommendations to the 2013 General Assembly upon the convening of the 2013 Regular Session.

SECTION 6. Study Reduction of Federal Allocation. – If the amount of the federal allocation to North Carolina for transportation is reduced by more than ten percent (10%) from the prior year's allocation prior to the convening of the 2012 Regular Session of the 2011

General Assembly, then the Joint Legislative Transportation Oversight Committee shall study the impact of the reduction to the State and shall present options and recommendation to the 2012 Regular Session of the General Assembly.

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

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

HB 645 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADULT DAY CARE/OVERNIGHT RESPITE PROGRAMS IN CLEVELAND COUNTY.

☒ With a favorable report as to Committee substitute bill #2, which changes the title, unfavorable as to Committee Substitute Bill #1 and recommendation committee substitute #2 be re-referred to Finance.

(FOR JOURNAL USE ONLY)

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

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

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

VISITOR REGISTRATION SHEET

Rules — 11-28-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jay Stem	NCAA
BERRY Jenkins	CAGC
Betsy Bailey	PENC
[illegible]	Misc
Julie Robinson	NC Sustainable Energy Assoc.
Hayden Robinson	NCRMA
Chris Agnes	DOA
Jan Carr	NC Propane Gas Assoc
Walter Turner	NC Transportation Museum
Jaime King	NCEL
Amy Whited	NC Med Soc

VISITOR REGISTRATION SHEET

RULES — Name of Committee

11-28-11 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cameron Munley	Electricities of NC
Gary Harris	NCPCM
Andy Elks	NCAMA
Thomas Man	FWS
John Tolicaster	NCLD
Mag MacLean Asbill	SELC
Dan Conrad	NCCN
Will Morgan	NCSC
Doug Hong	NCPCM
Heather Barnett	Williams Mullen
Angie Harris	Williams Mullen

VISITOR REGISTRATION SHEET

RULES — 11-28-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sammy Peterson	TWC
Tim KENT	NC Beer & Wine
[signature]	[illegible]
Daniel Amburn	NCLM
Bob Heath	MWC
Brian [illegible]	self
SD LARI	DST
Marie Freeman	NCAE
REV. MARK CREECH	
Barbara Cameron	BRCGR
[signature]	Bom: Asso.
John Bowdish	Astra Zeneca

VISITOR REGISTRATION SHEET

Rules — Name of Committee

11-28-11 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kari Barsness	DENR
Rita Harris	Commerce
Maeve Goff	Smith Anderson
Connie Allen	NC CPA
Joe Lanier	Nelson Mullins

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
November 29, 2011

The Committee on Rules, Calendar and Operations of the House met November 29, 2011 at 10:15 a.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore Chair, Representative LaRoque Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Crawford, Daughtry, Faison, Folwell, Gillespie, Hackney, Hill, Hilton, Johnson, Luebke, Moffitt, Parmon, Saine, Samuelson, Stam, and Stone.

Rep. LaRoque presided and recessed until 10:30 a.m.

Rep. Moore then continued the meeting at 10:30 a.m.

The following bill was considered:

HB 151 Surry Fox and Coyote Trapping Season (Rep. McCormick and Stevens, Primary Sponsors). Rep. LaRoque motioned for the PCS before the committee. Motion passed. Rep Lewis explained the bill. Discussion and debate on the bill. Rep. Daughtry motioned for a favorable report as to the PCS, which changes the title, unfavorable to the original. Vote called and the motion passed.

Chair Moore adjourned at 10:50 a.m.

Respectfully submitted:

Rep. Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

ım: Nancy Garriss (Rep. Tim Moore)
...nt: Monday, November 28, 2011 6:38 PM
To: Rep. Darrell G. McCormick; Rep. Sarah Stevens
Cc: Anne Murtha (Rep. McCormick); Julie Garrison (Rep. Stevens)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tue, 11-29-2011 at 9:00 a.m.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, November 29, 2011
TIME: 9:00 a.m.
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 151	Surry Fox and Coyote Trapping Season.	Representative McCormick Representative Stevens

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **6 PM** o'clock on **November 28, 2011**.

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

ım:	Nancy Garriss (Rep. Tim Moore)
...ıt:	Monday, November 28, 2011 7:07 PM
To:	Rep. Darrell G. McCormick; Rep. Sarah Stevens
Cc:	Anne Murtha (Rep. McCormick); Julie Garrison (Rep. Stevens)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tue, 11-29-2011 at 10:00 a.m. - CORRECTED

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, November 29, 2011
TIME: 10:00 a.m.
LOCATION: 1327 LB
COMMENTS: Please note time change from 9:00 a.m. to 10:00 a.m.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 151	Surry Fox and Coyote Trapping Season.	Representative McCormick Representative Stevens

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **7 PM** o'clock on **November 28, 2011**.

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss- (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 151
PROPOSED COMMITTEE SUBSTITUTE H151-PCS11270-LB-108

Sponsors:

Referred to:

February 22, 2011

A HOUSE RESOLUTION ASKING THE DEMOCRATIC PARTY TO RELY ON NORTH CAROLINA COMPANIES AND WORKERS FOR THE DEMOCRATIC NATIONAL CONVENTION IN 2012.

Whereas, the Democratic National Convention for 2012 is being held in Charlotte; and

Whereas, North Carolina's largest city expects more than 40,000 delegates, media representatives, and visitors for this event; and

Whereas, this event should provide a considerable economic boost to the city, particularly as the unemployment rate in Charlotte is 11.2%, two points higher than the national average; and

Whereas, the unemployment rate in the State of North Carolina is 10.5%, nearly two points higher than the national average; and

Whereas, it is estimated that the presence of the Democratic National Convention will generate over $160 million in revenue; and

Whereas, the City is already starting to undertake significant fund-raising and infrastructure activity in preparation for this event; and

Whereas, the City of Charlotte has already raised nearly $60 million in funding to help bring the event to North Carolina; and

Whereas, despite the high unemployment rates in Charlotte, in Mecklenburg County, and throughout the State of North Carolina, the Democratic National Convention Committee is outsourcing contracts to vendors outside of the State because it prefers to do business with unionized companies only; and

Whereas, there have been reports in the media of Charlotte-based companies being refused contracts and the Democratic National Convention awarding a printing services contract to a unionized company based in Washington, D.C.; and

Whereas, North Carolina is a right-to-work state; and

Whereas, the City of Charlotte should not bear the financial and infrastructure burden of the convention if a significant portion of the revenue goes to out-of-state firms because they are unionized; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives urges the Democratic Party to rely on North Carolina companies and workers for its contracts leading up to and during the 2012 Democratic National Convention, particularly those based in the Charlotte-Mecklenburg County metropolitan area, and urges the Democratic National Convention Committee to change its rules to respect North Carolina's right-to-work laws and

refrain from hiring workers and companies from outside the State of North Carolina when qualified business and workers are available within the State.

SECTION 2. The Principal Clerk of the House of Representatives shall send a certified copy of this resolution to each member of the North Carolina congressional delegation and to the North Carolina members of the Democratic National Committee.

SECTION 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 151
PROPOSED COMMITTEE SUBSTITUTE H151-PCS11270-LB-108

Sponsors:

Referred to:

February 22, 2011

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Whereas, the unemployment rate in the State of North Carolina is 10.5%, nearly two points higher than the national average; and

Whereas, it is estimated that the presence of the Democratic National Convention will generate over $160 million in revenue; and

Whereas, the City is already starting to undertake significant fund-raising and infrastructure activity in preparation for this event; and

Whereas, the City of Charlotte has already raised nearly $60 million in funding to help bring the event to North Carolina; and

Whereas, despite the high unemployment rates in Charlotte, in Mecklenburg County, and throughout the State of North Carolina, the Democratic National Convention Committee is outsourcing contracts to vendors outside of the State because it prefers to do business with unionized companies only; and

Whereas, there have been reports in the media of Charlotte-based companies being refused contracts and the Democratic National Convention awarding a printing services contract to a unionized company based in Washington, D.C.; and

Whereas, North Carolina is a right-to-work state; and

Whereas, the City of Charlotte should not bear the financial and infrastructure burden of the convention if a significant portion of the revenue goes to out-of-state firms because they are unionized; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives urges the Democratic Party to rely on North Carolina companies and workers for its contracts leading up to and during the 2012 Democratic National Convention, particularly those based in the Charlotte-Mecklenburg County metropolitan area, and urges the Democratic National Convention Committee to change its rules to respect North Carolina's right-to-work laws and

refrain from hiring workers and companies from outside the State of North Carolina when qualified business and workers are available within the State.

SECTION 2. The Principal Clerk of the House of Representatives shall send a certified copy of this resolution to each member of the North Carolina congressional delegation and to the North Carolina members of the Democratic National Committee.

SECTION 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 151
PROPOSED COMMITTEE SUBSTITUTE H151-PCS11270-LB-108

Sponsors:

Referred to:

February 22, 2011

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Whereas, North Carolina's largest city expects more than 40,000 delegates, media representatives, and visitors for this event; and

Whereas, this event ~~should~~ will provide a considerable economic boost to the city, particularly as the unemployment rate in Charlotte is 11.2%, two points higher than the national average; and

Whereas, the unemployment rate in the State of North Carolina is 10.5%, nearly two points higher than the national average; and

Whereas, it is estimated that the presence of the Democratic National Convention will generate over $160 million in revenue; and

Whereas, the City is already starting to undertake significant fund-raising and infrastructure activity in preparation for this event; and

Whereas, the City of Charlotte has already raised nearly $60 million in funding to help bring the event to North Carolina; and

Whereas, despite the high unemployment rates in Charlotte, in Mecklenburg County, and throughout the State of North Carolina, the Democratic National Convention Committee is outsourcing contracts to vendors outside of the State because it prefers to do business with unionized companies only; and

Whereas, there have been reports in the media of Charlotte-based companies being refused contracts and the Democratic National Convention awarding a printing services contract to a unionized company based in Washington, D.C.; and

Whereas, North Carolina is a right-to-work state; and

Whereas, the City of Charlotte should not bear the financial and infrastructure burden of the convention if a significant portion of the revenue goes to out-of-state firms because they are unionized; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives urges the Democratic Party to rely on North Carolina companies and workers for its contracts leading up to and during the 2012 Democratic National Convention, particularly those based in the Charlotte-Mecklenburg County metropolitan area, and urges the Democratic National Convention Committee to change its rules to respect North Carolina's right-to-work laws and

refrain from hiring workers and companies from outside the State of North Carolina when qualified business and workers are available within the State.

SECTION 2. The Principal Clerk of the House of Representatives shall send a certified copy of this resolution to each member of the North Carolina congressional delegation and to the North Carolina members of the Democratic National Committee.

SECTION 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 151
PROPOSED COMMITTEE SUBSTITUTE H151-PCS11270-LB-108

Sponsors:

Referred to:

February 22, 2011

A HOUSE RESOLUTION ASKING THE DEMOCRATIC PARTY TO RELY ON NORTH CAROLINA COMPANIES AND WORKERS FOR THE DEMOCRATIC NATIONAL CONVENTION IN 2012.

Whereas, the Democratic National Convention for 2012 is being held in Charlotte; and

Whereas, North Carolina's largest city expects more than 40,000 delegates, media representatives, and visitors for this event; and

Whereas, this event should provide a considerable economic boost to the city, particularly as the unemployment rate in Charlotte is 11.2%, two points higher than the national average; and

Whereas, the unemployment rate in the State of North Carolina is 10.5%, nearly two points higher than the national average; and

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Whereas, the City is already starting to undertake significant fund-raising and infrastructure activity in preparation for this event; and

Whereas, the City of Charlotte has already raised nearly $60 million in funding to help bring the event to North Carolina; and

Whereas, despite the high unemployment rates in Charlotte, in Mecklenburg County, and throughout the State of North Carolina, the Democratic National Convention Committee is outsourcing contracts to vendors outside of the State because it prefers to do business with unionized companies only; and

Whereas, there have been reports in the media of Charlotte-based companies being refused contracts and the Democratic National Convention awarding a printing services contract to a unionized company based in Washington, D.C.; and

Whereas, North Carolina is a right-to-work state; and

Whereas, the City of Charlotte should not bear the financial and infrastructure burden of the convention if a significant portion of the revenue goes to out-of-state firms because they are unionized; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives urges the Democratic Party to rely on North Carolina companies and workers for its contracts leading up to and during the 2012 Democratic National Convention, particularly those based in the Charlotte-Mecklenburg County metropolitan area, and urges the Democratic National Convention Committee to change its rules to respect North Carolina's right-to-work laws and

refrain from hiring workers and companies from outside the State of North Carolina when qualified business and workers are available within the State.

SECTION 2. The Principal Clerk of the House of Representatives shall send a certified copy of this resolution to each member of the North Carolina congressional delegation and to the North Carolina members of the Democratic National Committee.

SECTION 3. This resolution is effective upon adoption.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H.R. / H.B. No. 151 DATE 11/29/11

S. B. No. _____ Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE X

(Rep.) / Sen.) Luebke

moves to amend the bill on page 1, line 8

( ) WHICH CHANGES THE TITLE

by deleting the word "should" and substituting the word "will" in its place.

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 151 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES AND COYOTES IN SURRY COUNTY.

☒ The committee substitute resolution as amended, which changes the title, be adopted, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	1-4-12 am	1-4-12 pm														
Rep. Stephen LaRoque Chair	X	X														
Rep. Tim Moore Chair	X	X														
Rep. Bill Owens Vice Chair	X	X														
Rep. Martha Alexander	X	X														
Rep. John Blust	X	X														
Rep. Jim Crawford																
Rep. Leo Daughtry	X	X														
Rep. Bill Faison	X	X														
Rep. Jean Farmer- Butterfield	X	X														
Rep. Dale Folwell		X														
Rep. Mitch Gillespie	X	X														
Rep. Joe Hackney		X														
Rep. Dewey Hill	X	X														
Rep. Mark Hilton	X	X														
Rep. Maggie Jeffus	X	X														
Rep. Linda Johnson	X	X														
Rep. Paul Luebke	X	X														
Rep. Danny McComas																
Rep. Tim Moffitt	X	X														
Rep. Earline Parmon	X	X														
Rep. Jason Saine	X	X														
Rep. Ruth Samuelson		X														
Rep. Paul Stam	X	X														
Rep. Mike Stone	X	X														
Kory Goldsmith		X														
Bill Patterson																
Kelly Quick	x															

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 11-29-11 **Room:** 1228

House Sgt-At Arms:

1. **Name:** Billy Jones
2. **Name:** Wayne Davis
3. **Name:** Martha Parrish
4. **Name:** _____
5. **Name:** _____

Senate Sgt-At Arms:

1. **Name:** _____
2. **Name:** _____
3. **Name:** _____
4. **Name:** _____
5. **Name:** _____

VISITOR REGISTRATION SHEET

Rules — 11-29-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAVID RICE	MFS
TIM KENT	NC Beer & Wine Wholesalers
Doug Lassiter	NCSTA
Lisa Martin	NCHBA
Jessi Hayes	
Ann Council	NCBA
Jame King	NCEL
CS Hollis	TJS
Fred Bone	Bone Assoc.
Bill Phillips	TWC
Sonny Robeson	TWC

VISITOR REGISTRATION SHEET

Rules — 11-29-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Smith	cwa
EBlas	Dem Party
Heather Barnett	Williams Mullen
Elizabeth Robinson	NCRMT
Carye Brown	DRNC

VISITOR REGISTRATION SHEET

Rules — 11-29-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Katherine Ross	PPAB
Mary Maud Dabbs	SELC
Dan Conrad	NCCN
Julie Robinson	NC Sustainable Energy Assoc.
Tom Beason	EDF, NCSEA, NCWF
Allison Waller	AMRS
Jon Carr	Jordan Price Law Firm
John Bowling	AstraZeneca
Joe Lamer	Nelson Mullins

VISITOR REGISTRATION SHEET

Rules — 11-29-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Baum	Troutman Sanders
Daniel Arnum	NCLM
GREG FLYNN	gregflynn.org
Jeanne Bonds	jeannemillikenbonds.com
Terri Burke	NWC
Katherine Joyce	NCASA
Connie Wilson	ECNC
Sahar	DST
Mary Beth McMillan	NC AFL-CIO
Brian Lehnschall	Self
Paul Coble	self

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
January 4, 2012

The Committee on Rules, Calendar and Operations of the House met January 4, 2012 at 3:33 p.m. room 1228 of the Legislative Building. The following members were present: Representative Moore Chair, LaRoque Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Daughtry, Faison, Farmer-Butterfield, Gillespie, Hill, Hilton, Jeffus, Johnson, Luebke, Moffitt, Parmon, Saine, Stam, and Stone.

Rep. LaRoque presided.

The following bill was considered: for filing by the committee:

A HOUSE RESOLUTION EXPRESSING SUPPORT FOR DESIGNATION OF A 1 "WELCOME HOME VIETNAM VETERANS DAY" IN NORTH CAROLINA.
Rep. LaRoque recognized Rep. Moore explained the resolution. Rep. LaRoque recognized representative Moore. He motioned for the committee to give a favorable report for introduction of the resolution. Parmon seconded the motion. Vote was called. Motion passed.

Chair LaRoque adjourned at 3:37 p.m.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

ım: Nancy Garriss (Rep. Tim Moore)
ıt: Wednesday, January 04, 2012 2:33 PM
To: Rep. Tim Moore
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 01-04-2012 at 3:30 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, January 4, 2012
TIME: 3:30 pm
LOCATION: 1327 LB
OMMENTS:

Respectfully,
Representative LaRoque, Chair
Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **January 04, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION DRHR50418-LG-144 (01/04)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

A HOUSE RESOLUTION EXPRESSING SUPPORT FOR DESIGNATION OF A "WELCOME HOME VIETNAM VETERANS DAY" IN NORTH CAROLINA.

Whereas, the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975 and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam; and

Whereas, the United States Armed Forces became involved in Vietnam because the United States government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing communist threat from North Vietnam; and

Whereas, members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961; and

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and August 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408) on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam; and

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam; and

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam and, by 1969, a peak of approximately 543,000 troops was reached; and

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capital of South Vietnam, effectively placing South Vietnam under communist control; and

Whereas, more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 were wounded; and

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate the lives of those members of the United States Armed Forces who died or were declared missing in action in Vietnam; and

Whereas, the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans; and

Whereas, members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by four presidential administrations of the United States; and

Whereas, the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

Whereas, the United States Senate agreed to a resolution without amendment and with a preamble by unanimous consent designating March 30, 2011, as "Welcome Home Vietnam Veterans Day"; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace; expresses its support for the establishment of March 30 of each year as "Welcome Home Vietnam Veterans Day"; encourages State agencies and local governments to support "Welcome Home Vietnam Veterans Day"; and encourages the people of this State to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that (i) provide the appreciation Vietnam War veterans deserve but did not receive upon returning home from the war; (ii) demonstrate the resolve that never again shall the nation disregard and denigrate a generation of veterans; (iii) promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home; (iv) promote awareness of the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and (v) promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

SECTION 2. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION DRHR50418-LG-144 (01/04)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

A HOUSE RESOLUTION EXPRESSING SUPPORT FOR DESIGNATION OF A "WELCOME HOME VIETNAM VETERANS DAY" IN NORTH CAROLINA.

Whereas, the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975 and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam; and

Whereas, the United States Armed Forces became involved in Vietnam because the United States government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing communist threat from North Vietnam; and

Whereas, members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961; and

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and August 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408) on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam; and

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam; and

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam and, by 1969, a peak of approximately 543,000 troops was reached; and

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capital of South Vietnam, effectively placing South Vietnam under communist control; and

Whereas, more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 were wounded; and

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate the lives of those members of the United States Armed Forces who died or were declared missing in action in Vietnam; and

Whereas, the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans; and

Whereas, members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by four presidential administrations of the United States; and

Whereas, the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

Whereas, the United States Senate agreed to a resolution without amendment and with a preamble by unanimous consent designating March 30, 2011, as "Welcome Home Vietnam Veterans Day"; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace; expresses its support for the establishment of March 30 of each year as "Welcome Home Vietnam Veterans Day"; encourages State agencies and local governments to support "Welcome Home Vietnam Veterans Day"; and encourages the people of this State to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that (i) provide the appreciation Vietnam War veterans deserve but did not receive upon returning home from the war; (ii) demonstrate the resolve that never again shall the nation disregard and denigrate a generation of veterans; (iii) promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home; (iv) promote awareness of the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and (v) promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

SECTION 2. This resolution is effective upon adoption.

2011 HOUSE OF REPRESENTATIVES

COMMITTEE REPORT – BILL INTRODUCTION

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

Representative(s) LaRoque + T Moore, for the committee on Rules, Calendar & Operations of the House

(Chair's Name) (Committee Name)

Submits the following bill with a favorable report for introduction.

A HOUSE RESOLUTION EXPRESSING SUPPORT FOR DESIGNATION OF A "WELCOME HOME VIETNAM VETERANS DAY" IN NORTH CAROLINA

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 31 (a), the bill is filed, assigned the number H.R. _____ and placed on the Calendar for its _____ reading.

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 1-4-12 Room: 1228

House Sgt-At Arms:

1. Name: Larry Elliot
2. Name: Bob Ross
3. Name:
4. Name:
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

VISITOR REGISTRATION SHEET

RULES — 1-4-12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CS Hollis	TSS
Daniel Ambuia	NCLM
A A Adams	Victims of Crime
Mary Madeleine Asbill	SELC
Dan Conrad	NCCN
Tom Beason	
Julie Robinson	NC Sustainable Energy Assoc.
Michelle Fraser	MF+S
David Jernigan	Nat. Hardwood — N.C. Hardwood Council
Suzanne Bowles	SEHNC
Christin Dandi	Rep. Starn

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
January 4, 2012

The Committee on Rules, Calendar and Operations of the House met January 4, 2012 at 9:00 p.m. room 1228 of the Legislative Building. The following members were present: Representative Moore, Chair, LaRoque Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Daughtry, Faison, Farmer-Butterfield, Folwell, Gillespie, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, Moffitt, Parmon, Saine, Samuelson, Stam, and Stone.

Rep. LaRoque presided.

The following bills were considered:

A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION
Rep. LaRoque recognized Rep Stam. He moved to have the bill before the committee. Motion Passed. Rep. Moore explained the resolution. Discussion and debate. Rep Faison was recognized to send forth an amendment. Vote was called amendment failed. Representative Moore was recognized and made the motion that the bill be given a favorable report for introduction. Division was called. 12 aye's and 9 no's. Motion was passed.

SJR 794 A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION
Rep. LaRoque recognized Representative Hackney. He made a motion for a favorable report. Vote was called. Motion carried.

Chair LaRoque adjourned at 9:25 p.m.

Respectfully submitted:

Rep Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

From: Lisa Kennedy (Rep. LaRoque)
Sent: Wednesday, January 04, 2012 8:39 PM
To: @House/Rules, Calendar, & Operations; @HouseCommitteeNotice; Bill Patterson (Research); Kelly Quick (Research); Kory Goldsmith (Research)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 01-04-2012 at 9:00 pm - CORRECTED

Corrected Notice Time Change 9:00 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, January 4, 2012

TIME: 9:00 pm

LOCATION: 1327 LB

COMMENTS:

Respectfully,

Representative LaRoque, Chair

Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

8 PM o'clock on **January 04, 2011.**

Principal Clerk

Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

ım:	Lisa Kennedy (Rep. LaRoque)
_ _ıt:	Wednesday, January 04, 2012 7:23 PM.
To:	@House/Rules, Calendar, & Operations; @HouseCommitteeNotice; Bill Patterson (Research); Kelly Quick (Research); Kory Goldsmith (Research)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 01-04-2012 at 8:00 pm - CORRECTED

Corrected Notice Wrong Date

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, January 4, 2012

TIME: 8:45 pm

LOCATION: 1327 LB

COMMENTS: Resolution

Respectfully,

Representative LaRoque, Chair

Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

7 PM o'clock on **January 04, 2011.**

Principal Clerk

Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

m:	Lisa Kennedy (Rep. LaRoque)
t:	Wednesday, January 04, 2012 7:17 PM
To:	@House/Rules, Calendar, & Operations; @HouseCommitteeNotice; Bill Patterson (Research); Kelly Quick (Research); Kory Goldsmith (Research)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tue, 01-03-2012 at 8:45 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, January 3, 2012

TIME: 8:45 pm

LOCATION: 1327 LB

COMMENTS: House Resolution

Respectfully,

Representative LaRoque, Chair

Representative T. Moore, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

7 PM o'clock on **January 04, 2011.**

Principal Clerk

Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION DRHJR90140-LB-393A (12/21)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION.

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

SECTION 1. When the House of Representatives and the Senate, constituting the Reconvened 2011 Session of the 2011 General Assembly, adjourn, they stand adjourned to reconvene as provided in Resolution 2011-12.

SECTION 2. This resolution is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 1/4/2012

~~S. B. No.~~ HJR DRFJR90140-LB-393A Amendment No. _____

(to be filed in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Faison

Sen.)

between lines 5 and 6

moves to amend the bill on page 1, line [illegible]

(X) WHICH CHANGES THE TITLE

by ~~amending SJR 793, S.L. 2011-12 as follows:~~

~~add a subsection (5) by inserting the follow~~

by ~~rewriting the line to read:~~ inserting the following:

"Section 1.1. To amend Sections 2.2, 3.2 and 4.2 of SJR 793, ~~Resolution~~ 2011-12 as follows:

"(3a) Any bills related to jobs, energy and education and bills amending the budget as needed regarding those same matters."

SIGNED _____

ADOPTED _____ FAILED X TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representatives LaRoque and T. Moore (Chairs) for the Committee on RULES, CALENDAR AND OPERATIONS OF THE HOUSE.

Submits the following bill for introduction.

A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the resolution is filed, assigned the number H.R._____ and placed on the calendar for its _____ reading.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE JOINT RESOLUTION 794

Sponsors:	Senator Apodaca.
Referred to:	Calendar January 4, 2012.

January 4, 2012

A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION.

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

SECTION 1. When the House of Representatives and the Senate, constituting the Reconvened 2011 Session of the 2011 General Assembly, adjourn, they stand adjourned to reconvene as provided in Resolution 2011-12.

SECTION 2. This resolution is effective upon ratification.

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative LaRoque, T. Moore (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SJR 794 A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

VISITOR REGISTRATION SHEET

RULES - 2 — Name of Committee

1-4-12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	CDPL
Ms. Marla Ashcraft	SELC
Will Morgan	Sierra club
Lao Rubeat	CYK
Sarah Preston	ACLU-NC
Julia Adams	The Arc of NC
[signature]	School of Gov
Kari Barsness	DENR
David Amburn	NCLM
[signature]	Gov of Rule

VISITOR REGISTRATION SHEET

RULES - 2 — 1-4-12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	Comm
Margie Foreman	NCAFF
Lisa Martin	NC Home Builders
Jessi Hayes	
Faye Hunter	CDPL
Damon Circosta	NC Voter Ed
Courtney Crowder	Office of the Governor
Linda Brooks	NCAE

ATTENDANCE 2012

House Committee on Rules

(Name of Committee)

DATES	5-16-2012	05-21-2012	05-23-2012	05-30-2012	06-04-2012	06-05-2012	06-13-2012	06-14-2012	06-19-2012	06-20-2012	06-21-2012	06-25-2012	06-26-2012	06-27-2012	06-27-12pm	06-28-2012
Rep. Stephen LaRoque Chair	X		X	X			X	X	x	X	X	X		X	X	X
Rep. Tim Moore Chair	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
Rep. Bill Owens Vice Chair		X		X	X	X						X	X	X		
Rep. Martha Alexander	X	X	X	X	X		X	X	X	X			X		X	X
Rep. John Blust	X	X		X		X	X	X	X	X	X	X	X	X		X
Rep. Jim Crawford			x								X		X			
Rep. Leo Daughtry	X	X	X	X	X		X		X		X	X	X			
Rep. Bill Faison	X	X	X	X						X					X	
Rep. Jean Farmer- Butterfield		X	X				X	X		X	X	X	X			
Rep. Dale Folwell		X	X	X	X		X	X	X	X	X	X	X	X		X
Rep. Mitch Gillespie	X	X	X	X	X							X		X		
Rep. Joe Hackney	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
Rep. Dewey Hill	X	X	X				X	X	X	X	X	X	X			
Rep. Mark Hilton	X	X		X	X	X	X	X	X		X					
Rep. Maggie Jeffus	X	X	X	X			X	X	X	X	X	X	X	X		
Rep. Linda Johnson	X	X		X	X		X		X	X	X	X	X	X		X
Rep. Paul Luebke	X	X	X	X			X	X	X	X	X	X	X	X	X	X
Rep. Danny McComas				X							X	X		X		
Rep. Tim Moffitt	X	X	X	X			X	X	X		X	X	X	X	X	X
Rep. Earline Parmon	X	X				X	X			X		X	X	X		
Rep. Jason Saine	X	X	X	X				X	X	X	X	X	X	X	X	X
Rep. Ruth Samuelson	X	X	X	X			X		X	X		X	X			X
Rep. Paul Stam	X	X	X	X			X	X	X		X	X				X
Rep. Mike Stone	X		X	X			X	X	X	X		X				
Kory Goldsmith	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X
Bill Patterson	X	X			X	X	X	X	X	X		X				X
Kelly Quick	X	X	X			X	X		X	X	X	X		X		X
Shelly DeAdder		X	X			X	X		X			X		X		

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
May 16, 2012

The Committee on Rules, Calendar and Operations of the House met on May 16, 2012 at 2:17 p.m. in room 1327 of the Legislative Building. The following members were present: Representative Moore and LaRoque Chairmen, Representatives Alexander, Blust, Daughtry, Faison, Gillespie, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, Moffitt, Parmon, Saine, Samuelson, Stam, and Stone.

Rep. Moore presided.

The Following Bill was considered:

HJR 608 House Resolution Honoring the Life and Memory of Bertha Merrill Holt. (Representative Bordsen, M. Alexander, Ingle, and Hackney, Primary Sponsors) Rep. Moore recognized Rep. Alexander for the PCS to be before the committee. Rep. Moore recognized Rep. Bordsen to explain the bill. Discussion and debate. Rep. Luebke made a motion for a favorable report to the PSC unfavorable to the original. Vote called and the motion passed.

Representative LaRoque took over as Chairman.

The following bills went before the committee to be considered for introduction:

House Resolution Honoring The Life and Memory of Daniel Lucas Elliott. Representative LaRoque recognized Rep. Moore to explain the bill. Discussion and debate on the bill. Representative Moffitt made a motion for a favorable report as to introduction of the bill. Vote was called and the motion passed.

Special Motorcycle Plate for Vietnam Veterans. . Representative LaRoque recognized Rep. Moore to explain the bill. Discussion and debate on the bill. Representative Blust made a motion for a favorable report as to introduction of the bill. Vote was called and the motion passed.

No TV's on Death Row. . Representative LaRoque recognized Rep. Moore to explain the bill. Discussion and debate on the bill. Representative Stone made a motion for a favorable report as to introduction of the bill. Vote was called and the motion passed.

Chair Moore adjourned at 2:37 p.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, May 16, 2012
TIME: 15 min after session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 608	Honor B Holt.	Representative Bordsen Representative Martha B. Alexander Representative Ingle Representative Hackney

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **May 09, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

From: Kory Goldsmith (Research)
Sent: Thursday, May 10, 2012 9:17 AM
To: Lisa Kennedy (Rep. LaRoque); Nancy Garriss (Rep. Tim Moore)
Cc: Shelly DeAdder (Research); Bill Patterson (Research); Kelly Quick (Research)
Subject: RE: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 05-16-2012 at 15 min after session

Lisa and Nancy – would you please add Shelly DeAdder to your House Rules Committee email distribution list? Shelly is a new attorney in the Research Division and she will be working with us on this committee.

Thanks, Kory

From: Lisa Kennedy (Rep. LaRoque)
Sent: Wednesday, May 09, 2012 10:02 AM
To: @House/Rules, Calendar, & Operations; @HouseCommitteeNotice; Bill Patterson (Research); Kelly Quick (Research); Kory Goldsmith (Research)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 05-16-2012 at 15 min after session

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, May 16, 2012
TIME: 15 min after session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 608	Honor B Holt.	Representative Bordsen Representative Martha B. Alexander Representative Ingle Representative Hackney

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **May 09, 2011**.

Principal Clerk
Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

ım:	Nancy Garriss (Rep. Tim Moore)
_ _.ıt:	Thursday, May 10, 2012 3:02 PM
To:	Rep. Alice Bordsen; Rep. Martha Alexander; Rep. Dan Ingle; Rep. Joe Hackney
Cc:	Sylvia Nygard (Rep. Bordsen); Ann Faust (Rep. Alexander); Polly Riddell (Rep. Dan Ingle); Emily Reynolds (Rep. Hackney)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 05-16-2012 at 2:00 p.m. - CORRECTED

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

.Y & DATE: Wednesday, May 16, 2012
ME: 2:00 p.m.
LOCATION: 1327 LB
COMMENTS: **Please note time change.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 608	Honor B Holt.	Representative Bordsen Representative Martha B. Alexander Representative Ingle Representative Hackney

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **May 10, 2011.**

ncipal Clerk
ading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

May 16, 2:00 PM

1327 LB

Representative Tim Moore Presiding

Remarks:

HB 608	Honor B Holt	Representative Bordsen
		Representative M. Alexander
		Representative Ingle
		Representative Hackney

Other business

Adjourn

HOUSE RESOLUTION 608*

Sponsors:	Representatives Bordsen, M. Alexander, Ingle, and Hackney (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

April 5, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF BERTHA "B" MERRILL HOLT.

Whereas, Bertha "B" Merrill Holt was born on August 16, 1916, in Eufaula, Alabama, to William H. Merrill and Bertha H. Moore Merrill; and

Whereas, B Holt earned a bachelor's degree in psychology and history in 1938 from Agnes Scott College in Decatur, Georgia; and

Whereas, B Holt attended law school at the University of North Carolina at Chapel Hill from 1939 to 1940, and then transferred to the University of Alabama, where she received a law degree in 1941; and

Whereas, B Holt furthered her education by taking graduate courses at George Washington University; and

Whereas, during B Holt's early career, she worked as an attorney for the U.S. Treasury and the Department of the Interior in Washington, D.C.; and

Whereas, B Holt met her future husband, W. Clary Holt, while working in Washington, D.C., and the two were married on March 14, 1942; and

Whereas, B Holt and her family moved to Burlington, North Carolina, in 1946, where she quickly became involved in her community; and

Whereas, B Holt became active in the local Democratic Party and, in 1975, was appointed to the North Carolina House of Representatives, becoming the first woman to represent the district; and

Whereas, B Holt served with honor and distinction in the House of Representatives for consecutive terms between 1975 and 1994; and

Whereas, B Holt provided exceptional service to her constituency and the General Assembly, serving as Cochair of the Appropriations Subcommittee on Justice and Public Safety and as Vice-Chair of the Education Subcommittee on Preschool, Elementary, and Secondary Education, Judiciary I, and as a member of several other committees, including Constitutional Amendments and Referenda and Environment; and

Whereas, B Holt was appointed to a number of legislative study committees, including the Joint Legislative Commission on Governmental Operations, Pest Control Study Committee, Computer Literacy Study Committee, Joint Commission on School Salary Schedules, Open Meetings Study Committee, and Inmate Substance Abuse Study Committee; and

Whereas, B Holt was a founding member of the Alamance Women's Political Caucus and the Women's Resource Center in Alamance County, and in 1995, B Holt served as

a member of the delegation to the Fourth United Nations Conference on Women in Beijing, China; and

Whereas, B Holt was a member of various organizations, including the North Carolina Bar Association, Pi Beta Phi, North Carolina Historical Society, Century Book Club, Down to Earth Garden Club, American Association of University Women, Task Force Community Based Alternative for State Offenders, and North Carolina Women's Forum; and

Whereas, B Holt served on a number of boards and commissions, including Girl Scout Board, North Carolina School of Public Health Advisory Board, State Conference of Social Work, LIFE-Guardianship Council, ARC/NC, Advisory Board of the Alamance County Salvation Army, Advisory Board of the School Health Board, Board of Directors of the Snow Camp Historical Society, and Vice-Chair of the North Carolina State University Committee on Transportation; and

Whereas, B Holt received numerous honors and recognitions for her good deeds, including the Outstanding Alumna Award from Agnes Scott College in 1978, Legislative Award from the Nurses Association in 1979, Hospice of North Carolina Award in 1984, Legislative Award from the North Carolina Alliance for Health, Physical Education, Recreation and Dance in 1984, Distinguished Service in Promoting School Health Education from the North Carolina Society for Public Health Education in 1986, Faith Active to Public Life Award by the North Carolina Council of Churches in 1987, Distinguished Women's Award in Government from the North Carolina Council on the Status of Women in 1991; and

Whereas, B Holt was listed in Who's Who, American Women and Who's Who in America and received an honorary Doctor of Laws from Agnes Scott College in 2007; and

Whereas, B Holt was active in the Episcopal Church, serving as a member of the Episcopal Church of the Holy Comforter in Burlington, President of the Episcopal Church Women of the Church of the Holy Comforter, High School Sunday school teacher, a member of the Diocesan Council of North Carolina Episcopal Diocese, Alternate Delegate to the Episcopal General Convention, Episcopal Diocesan Convention Delegate, and Episcopal Diocesan Convention President for the Burlington Council of Church Women; and

Whereas, B Holt held the distinction of becoming the first woman to serve on the Bishop's Standing Committee and the Church Vestry, and was the first woman to serve as the Senior Warden of the Vestry of the Church of Holy Comforter; and

Whereas, B Holt died on June 19, 2010, at the age of 93; and

Whereas, B Holt is survived by a daughter, Harriet H. Whitley; sons, W. Merrill Holt and W. Jefferson Holt; grandchildren, Allyson Burroughs, Anna Blessington, Alexander Holt, William Holt, Croft Holt, Christopher Holt; and great-grandchildren, Grace Burroughs, Lawson Burroughs, and Jack Blessington; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Bertha "B" Merrill Holt and expresses the appreciation of this State and its citizens for the service she rendered her community, State, and nation.

SECTION 2. The House of Representatives extends its sympathy to the family of Bertha "B" Merrill Holt for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Bertha "B" Merrill Holt.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 608*
PROPOSED COMMITTEE SUBSTITUTE H608-PCS11294-LG-32

Sponsors:

Referred to:

April 5, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF BERTHA "B" MERRILL HOLT.

Whereas, Bertha "B" Merrill Holt was born on August 16, 1916, in Eufaula, Alabama, to William H. Merrill and Bertha H. Moore Merrill; and

Whereas, B Holt earned a bachelor's degree in psychology and history in 1938 from Agnes Scott College in Decatur, Georgia; and

Whereas, B Holt attended law school at the University of North Carolina at Chapel Hill from 1939 to 1940 and then transferred to the University of Alabama, where she received a law degree in 1941; and

Whereas, B Holt furthered her education by taking graduate courses at George Washington University; and

Whereas, during B Holt's early career, she worked as an attorney for the U.S. Treasury and the Department of the Interior in Washington, D.C.; and

Whereas, B Holt met her future husband, W. Clary Holt, while working in Washington, D.C., and the two were married on March 14, 1942; and

Whereas, B Holt and her family moved to Burlington, North Carolina, in 1946, where she quickly became involved in her community; and

Whereas, B Holt became active in the local Democratic Party and, in 1975, was appointed to the North Carolina House of Representatives, becoming the first woman to represent the district; and

Whereas, B Holt served with honor and distinction in the House of Representatives for consecutive terms between 1975 and 1994; and

Whereas, B Holt provided exceptional service to her constituency and the General Assembly, serving as Cochair of the Appropriations Subcommittee on Justice and Public Safety and as Vice-Chair of the Education Subcommittee on Preschool, Elementary, and Secondary Education, Judiciary I, and as a member of several other committees, including Constitutional Amendments and Referenda and Environment; and

Whereas, B Holt was appointed to a number of legislative study committees, including the Joint Legislative Commission on Governmental Operations, Pest Control Study Committee, Computer Literacy Study Committee, Joint Commission on School Salary Schedules, Open Meetings Study Committee, and Inmate Substance Abuse Study Committee; and

Whereas, during her tenure in the General Assembly, B Holt led the successful effort to make marital rape a crime and fought for the State Abortion Fund because she

believed a woman's right to self-determination should not be limited by her economic status; and

Whereas, B Holt was a founding member of the Alamance Women's Political Caucus and the Women's Resource Center in Alamance County and was a lifetime member of the Democratic Women of Alamance County and the Senior Democrats of Alamance County; and

Whereas, in 1995 B Holt served as a member of the delegation to the Fourth United Nations Conference on Women in Beijing, China; and

Whereas, B Holt was a member of various organizations, including the North Carolina Bar Association, Pi Beta Phi, North Carolina Historical Society, Century Book Club, Down to Earth Garden Club, American Association of University Women, Task Force Community Based Alternative for State Offenders, and North Carolina Women's Forum; and

Whereas, B Holt served on a number of boards and commissions, including the Girl Scout Board, North Carolina School of Public Health Advisory Board, State Conference of Social Work, LIFE-Guardianship Council, ARC/NC, Advisory Board of the Alamance County Salvation Army, Advisory Board of the School Health Board, Board of Directors of the Snow Camp Historical Society, and Vice-Chair of the North Carolina State University Committee on Transportation; and

Whereas, as a great proponent of education, especially Civics and History, B Holt often talked to high school classes and adult groups about our State's laws and government; and

Whereas, B Holt received numerous honors and recognitions for her good deeds, including the Outstanding Alumna Award from Agnes Scott College in 1978, Legislative Award from the Nurses Association in 1979, Hospice of North Carolina Award in 1984, Legislative Award from the North Carolina Alliance for Health, Physical Education, Recreation and Dance in 1984, Distinguished Service in Promoting School Health Education from the North Carolina Society for Public Health Education in 1986, Faith Active to Public Life Award by the North Carolina Council of Churches in 1987, and Distinguished Women's Award in Government from the North Carolina Council on the Status of Women in 1991; and

Whereas, B Holt was listed in Who's Who of American Women and Who's Who in America and received an honorary Doctor of Laws from Agnes Scott College in 2007; and

Whereas, B Holt was active in the Episcopal Church, serving as a member of the Episcopal Church of the Holy Comforter in Burlington, President of the Episcopal Church Women of the Church of the Holy Comforter, High School Sunday school teacher, a member of the Diocesan Council of North Carolina Episcopal Diocese, Alternate Delegate to the Episcopal General Convention, Episcopal Diocesan Convention Delegate, and Episcopal Diocesan Convention President for the Burlington Council of Church Women; and

Whereas, B Holt held the distinction of becoming the first woman to serve on the Bishop's Standing Committee and the Church Vestry and was the first woman to serve as the Senior Warden of the Vestry of the Church of Holy Comforter; and

Whereas, B Holt died on June 19, 2010, at the age of 93; and

Whereas, B Holt is survived by a daughter, Harriet H. Whitley; sons, W. Merrill Holt and W. Jefferson Holt; grandchildren, Allyson Burroughs, Anna Blessington, Alexander Holt, William Holt, Croft Holt, and Christopher Holt; and great-grandchildren, Grace Burroughs, Lawson Burroughs, and Jack Blessington; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Bertha "B" Merrill Holt and expresses the appreciation of this State and its citizens for the service she rendered her community, State, and nation.

SECTION 2. The House of Representatives extends its sympathy to the family of Bertha "B" Merrill Holt for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Bertha "B" Merrill Holt.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 608*
PROPOSED COMMITTEE SUBSTITUTE H608-PCS11294-LG-32

Sponsors:

Referred to:

April 5, 2011

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF BERTHA "B" MERRILL HOLT.

Whereas, Bertha "B" Merrill Holt was born on August 16, 1916, in Eufaula, Alabama, to William H. Merrill and Bertha H. Moore Merrill; and

Whereas, B Holt earned a bachelor's degree in psychology and history in 1938 from Agnes Scott College in Decatur, Georgia; and

Whereas, B Holt attended law school at the University of North Carolina at Chapel Hill from 1939 to 1940 and then transferred to the University of Alabama, where she received a law degree in 1941; and

Whereas, B Holt furthered her education by taking graduate courses at George Washington University; and

Whereas, during B Holt's early career, she worked as an attorney for the U.S. Treasury and the Department of the Interior in Washington, D.C.; and

Whereas, B Holt met her future husband, W. Clary Holt, while working in Washington, D.C., and the two were married on March 14, 1942; and

Whereas, B Holt and her family moved to Burlington, North Carolina, in 1946, where she quickly became involved in her community; and

Whereas, B Holt became active in the local Democratic Party and, in 1975, was appointed to the North Carolina House of Representatives, becoming the first woman to represent the district; and

Whereas, B Holt served with honor and distinction in the House of Representatives for consecutive terms between 1975 and 1994; and

Whereas, B Holt provided exceptional service to her constituency and the General Assembly, serving as Cochair of the Appropriations Subcommittee on Justice and Public Safety and as Vice-Chair of the Education Subcommittee on Preschool, Elementary, and Secondary Education, Judiciary I, and as a member of several other committees, including Constitutional Amendments and Referenda and Environment; and

Whereas, B Holt was appointed to a number of legislative study committees, including the Joint Legislative Commission on Governmental Operations, Pest Control Study Committee, Computer Literacy Study Committee, Joint Commission on School Salary Schedules, Open Meetings Study Committee, and Inmate Substance Abuse Study Committee; and

Whereas, during her tenure in the General Assembly, B Holt led the successful effort to make marital rape a crime and fought for the State Abortion Fund because she

believed a woman's right to self-determination should not be limited by her economic status; and

Whereas, B Holt was a founding member of the Alamance Women's Political Caucus and the Women's Resource Center in Alamance County and was a lifetime member of the Democratic Women of Alamance County and the Senior Democrats of Alamance County; and

Whereas, in 1995 B Holt served as a member of the delegation to the Fourth United Nations Conference on Women in Beijing, China; and

Whereas, B Holt was a member of various organizations, including the North Carolina Bar Association, Pi Beta Phi, North Carolina Historical Society, Century Book Club, Down to Earth Garden Club, American Association of University Women, Task Force Community Based Alternative for State Offenders, and North Carolina Women's Forum; and

Whereas, B Holt served on a number of boards and commissions, including the Girl Scout Board, North Carolina School of Public Health Advisory Board, State Conference of Social Work, LIFE-Guardianship Council, ARC/NC, Advisory Board of the Alamance County Salvation Army, Advisory Board of the School Health Board, Board of Directors of the Snow Camp Historical Society, and Vice-Chair of the North Carolina State University Committee on Transportation; and

Whereas, as a great proponent of education, especially Civics and History, B Holt often talked to high school classes and adult groups about our State's laws and government; and

Whereas, B Holt received numerous honors and recognitions for her good deeds, including the Outstanding Alumna Award from Agnes Scott College in 1978, Legislative Award from the Nurses Association in 1979, Hospice of North Carolina Award in 1984, Legislative Award from the North Carolina Alliance for Health, Physical Education, Recreation and Dance in 1984, Distinguished Service in Promoting School Health Education from the North Carolina Society for Public Health Education in 1986, Faith Active to Public Life Award by the North Carolina Council of Churches in 1987, and Distinguished Women's Award in Government from the North Carolina Council on the Status of Women in 1991; and

Whereas, B Holt was listed in Who's Who of American Women and Who's Who in America and received an honorary Doctor of Laws from Agnes Scott College in 2007; and

Whereas, B Holt was active in the Episcopal Church, serving as a member of the Episcopal Church of the Holy Comforter in Burlington, President of the Episcopal Church Women of the Church of the Holy Comforter, High School Sunday school teacher, a member of the Diocesan Council of North Carolina Episcopal Diocese, Alternate Delegate to the Episcopal General Convention, Episcopal Diocesan Convention Delegate, and Episcopal Diocesan Convention President for the Burlington Council of Church Women; and

Whereas, B Holt held the distinction of becoming the first woman to serve on the Bishop's Standing Committee and the Church Vestry and was the first woman to serve as the Senior Warden of the Vestry of the Church of Holy Comforter; and

Whereas, B Holt died on June 19, 2010, at the age of 93; and

Whereas, B Holt is survived by a daughter, Harriet H. Whitley; sons, W. Merrill Holt and W. Jefferson Holt; grandchildren, Allyson Burroughs, Anna Blessington, Alexander Holt, William Holt, Croft Holt, and Christopher Holt; and great-grandchildren, Grace Burroughs, Lawson Burroughs, and Jack Blessington; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Bertha "B" Merrill Holt and expresses the appreciation of this State and its citizens for the service she rendered her community, State, and nation.

SECTION 2. The House of Representatives extends its sympathy to the family of Bertha "B" Merrill Holt for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Bertha "B" Merrill Holt.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH11282-LH-189 (04/30)

Short Title:	Amend Court Reporting Requirements.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A TRIAL JUDGE MAY DENY A MOTION FOR COMPLETE RECORDATION OF PROCEEDINGS IN NON-CAPITAL CASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1241(b) reads as rewritten:

"(b) Upon motion of any party or on the judge's own motion, the judge may, in the judge's discretion, order the recordation of proceedings excepted under subdivisions (1) and (2) of ~~subsection (a) must be recorded.~~subsection (a) of this section. ~~The~~ A motion for recordation of jury arguments must be made before the commencement of any argument and if one argument is recorded all must be. Upon suggestion of improper argument, when no recordation has been requested or ordered, the judge in ~~his~~ the judge's discretion may require the remainder to be recorded."

SECTION 2. This act becomes effective October 1, 2012, and applies to proceedings conducted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH11282-LH-189 (04/30)

Short Title:	Amend Court Reporting Requirements.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

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AN ACT TO PROVIDE THAT A TRIAL JUDGE MAY DENY A MOTION FOR COMPLETE RECORDATION OF PROCEEDINGS IN NON-CAPITAL CASES.

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SECTION 2. This act becomes effective October 1, 2012, and applies to proceedings conducted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION DRHJR80274-RK-53 (05/01)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DANIEL LUCAS ELLIOTT, NORTH CAROLINA CITIZEN AND SOLDIER.

Whereas, Daniel "Lucas" Elliott was born in Raleigh, North Carolina, on July 18, 1989, to Patti Elliott and Ed A. Elliott, Jr.; and

Whereas, Lucas showed at an early age a passion for hunting and fishing; and

Whereas, Lucas, by the age of 12, began shooting on a high-powered rifle team in Creedmoor, which led to his development of great skill and the award of medals through the State Games of North Carolina and the National Rifle Association Civilian Marksmanship Program; and

Whereas, Lucas attended Youngsville Elementary School from Kindergarten through 3rd grade, after which he was home-schooled through high school; and

Whereas, Lucas decided to join the military when he was 12 as he watched the destruction of the World Trade Center during the September 11 terrorist attacks; and

Whereas, Lucas was a member of Boy Scout Troop 261, sponsored by the Rolesville Baptist Church, and earned his Eagle Scout designation in January 2007; and

Whereas, Lucas attended Vance-Granville Community College, the Military College of Georgia, and Wake Technical Community College; and

Whereas, Lucas enlisted as a Military Policeman in the United States Army Reserve in January 2007 and completed Basic Training and Advanced Individual Training at Fort Leonard Wood, Missouri; and

Whereas, upon returning to North Carolina, he was attached to the 200th Military Police Command, 805th Military Police Company, located in Cary, North Carolina; and

Whereas, in 2009 Lucas volunteered for deployment with the 810th MP Company, located in Tampa, Florida, and completed a tour of duty in Iraq; and

Whereas, upon his return from Iraq, he reattached to the 805th MP Company, which was on notice for deployment to Iraq; and

Whereas, when Lucas deployed to Iraq in May 2011, he took the full-size North Carolina flag that he had carried to Iraq on his first deployment; and

Whereas, on July 15, 2011, three days before his 22nd birthday, Specialist Daniel Lucas Elliott was killed in action, supporting Operation New Dawn, when enemy forces attacked his unit in Basrah, Iraq, with an improvised explosive device; and

Whereas, Lucas's platoon commander stated that "Elliott was a superb soldier; he would take the time to help anyone, and you could see it on his face how much he enjoyed teaching someone something new. He loved his family, his country, and he was proud to serve his country. He loved what he did, and we will always respect and honor that;" and

Whereas, Specialist Daniel Lucas Elliott was awarded the Bronze Star Medal, the Purple Heart, the Army Commendation Medal, and the Combat Action Badge and is buried at Arlington National Cemetery; and

Whereas, Lucas is survived by his wife; Trisha Elliott, parents Patti Elliott of Youngsville and Ed Elliott of Louisburg; and brother, Brad Elliott of Eatonton, Georgia; Now, therefore,

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

SECTION 1. The General Assembly honors the memory of Daniel Lucas Elliott and expresses the appreciation of this State and its citizens for the service he rendered his community, State, and nation.

SECTION 2. The General Assembly extends its deepest sympathy to the family and friends of Daniel Lucas Elliott.

SECTION 3. The General Assembly of North Carolina wishes to express its appreciation for the service of all North Carolina citizen soldiers, and for their families, for their sacrifices and remarkable contributions to the people of the United States and the world.

SECTION 4. The Secretary of State shall transmit a certified copy of this resolution to the family of Daniel Lucas Elliott.

SECTION 5. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION DRHJR80274-RK-53 (05/01)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DANIEL LUCAS ELLIOTT, NORTH CAROLINA CITIZEN AND SOLDIER.

Whereas, Daniel "Lucas" Elliott was born in Raleigh, North Carolina, on July 18, 1989, to Patti Elliott and Ed A. Elliott, Jr.; and

Whereas, Lucas showed at an early age a passion for hunting and fishing; and

Whereas, Lucas, by the age of 12, began shooting on a high-powered rifle team in Creedmoor, which led to his development of great skill and the award of medals through the State Games of North Carolina and the National Rifle Association Civilian Marksmanship Program; and

Whereas, Lucas attended Youngsville Elementary School from Kindergarten through 3rd grade, after which he was home-schooled through high school; and

Whereas, Lucas decided to join the military when he was 12 as he watched the destruction of the World Trade Center during the September 11 terrorist attacks; and

Whereas, Lucas was a member of Boy Scout Troop 261, sponsored by the Rolesville Baptist Church, and earned his Eagle Scout designation in January 2007; and

Whereas, Lucas attended Vance-Granville Community College, the Military College of Georgia, and Wake Technical Community College; and

Whereas, Lucas enlisted as a Military Policeman in the United States Army Reserve in January 2007 and completed Basic Training and Advanced Individual Training at Fort Leonard Wood, Missouri; and

Whereas, upon returning to North Carolina, he was attached to the 200th Military Police Command, 805th Military Police Company, located in Cary, North Carolina; and

Whereas, in 2009 Lucas volunteered for deployment with the 810th MP Company, located in Tampa, Florida, and completed a tour of duty in Iraq; and

Whereas, upon his return from Iraq, he reattached to the 805th MP Company, which was on notice for deployment to Iraq; and

Whereas, when Lucas deployed to Iraq in May 2011, he took the full-size North Carolina flag that he had carried to Iraq on his first deployment; and

Whereas, on July 15, 2011, three days before his 22nd birthday, Specialist Daniel Lucas Elliott was killed in action, supporting Operation New Dawn, when enemy forces attacked his unit in Basrah, Iraq, with an improvised explosive device; and

Whereas, Lucas's platoon commander stated that "Elliott was a superb soldier; he would take the time to help anyone, and you could see it on his face how much he enjoyed teaching someone something new. He loved his family, his country, and he was proud to serve his country. He loved what he did, and we will always respect and honor that;" and

Whereas, Specialist Daniel Lucas Elliott was awarded the Bronze Star Medal, the Purple Heart, the Army Commendation Medal, and the Combat Action Badge and is buried at Arlington National Cemetery; and

Whereas, Lucas is survived by his wife; Trisha Elliott, parents Patti Elliott of Youngsville and Ed Elliott of Louisburg; and brother, Brad Elliott of Eatonton, Georgia; Now, therefore,

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

SECTION 1. The General Assembly honors the memory of Daniel Lucas Elliott and expresses the appreciation of this State and its citizens for the service he rendered his community, State, and nation.

SECTION 2. The General Assembly extends its deepest sympathy to the family and friends of Daniel Lucas Elliott.

SECTION 3. The General Assembly of North Carolina wishes to express its appreciation for the service of all North Carolina citizen soldiers, and for their families, for their sacrifices and remarkable contributions to the people of the United States and the world.

SECTION 4. The Secretary of State shall transmit a certified copy of this resolution to the family of Daniel Lucas Elliott.

SECTION 5. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH60110-MEf-115A (01/30)

Short Title:	Special Motorcycle Plate for Vietnam Veterans.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL MOTORCYCLE PLATE FOR THE VIETNAM VETERANS OF AMERICA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.4(b)(224) reads as rewritten:

"(224) Vietnam Veterans of America. – Issuable to a member of the Vietnam Veterans of America. The plate shall bear the words "Vietnam Veterans of America" or "VVA" and the emblem of the VVA. A person may obtain from the Division a special registration plate under this subdivision for a motor vehicle or a motorcycle registered in that person's name. The registration fees and the restrictions on the issuance of a specialized registration plate for a motorcycle are the same as for any motor vehicle. The Division may not issue either type of the plate authorized by this subdivision unless it receives at least 300 applications for the particular type of plate."

SECTION 2. This act becomes effective July 1, 2012.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH60110-MEf-115A (01/30)

Short Title:	Special Motorcycle Plate for Vietnam Veterans.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL MOTORCYCLE PLATE FOR THE VIETNAM VETERANS OF AMERICA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.4(b)(224) reads as rewritten:

"(224) Vietnam Veterans of America. – Issuable to a member of the Vietnam Veterans of America. The plate shall bear the words "Vietnam Veterans of America" or "VVA" and the emblem of the VVA. A person may obtain from the Division a special registration plate under this subdivision for a motor vehicle or a motorcycle registered in that person's name. The registration fees and the restrictions on the issuance of a specialized registration plate for a motorcycle are the same as for any motor vehicle. The Division may not issue either type of the plate authorized by this subdivision unless it receives at least 300 applications for the particular type of plate."

SECTION 2. This act becomes effective July 1, 2012.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH60109-LL-179 (04/12)

Short Title:	No Televisions on Death Row.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT TELEVISIONS FOR DEATH ROW INMATES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 148 of the General Statutes is amended by adding a new section to read:

"**§ 148-23.3. Televisions prohibited for death row inmates.**

The Division of Adult Correction of the Department of Correction shall not provide televisions to any inmates serving sentences on death row."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH60109-LL-179 (04/12)

Short Title:	No Televisions on Death Row.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT TELEVISIONS FOR DEATH ROW INMATES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 148 of the General Statutes is amended by adding a new section to read:

"**§ 148-23.3. Televisions prohibited for death row inmates.**

The Division of Adult Correction of the Department of Correction shall not provide televisions to any inmates serving sentences on death row."

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

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and Moore (Chair's Name), for the Committee on Committee on Rules, Calendar and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

A Joint Resolution Honoring the Life and Memory of Daniel Lucas Elliott, North Carolina Citizen and Soldier

(FOR JOURNAL USE ONLY)

_____Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 608 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF BERTHA "B" MERRILL HOLT.

☒ With recommendation that the committee substitute resolution be adopted, unfavorable as to original resolution.

(FOR JOURNAL USE ONLY)

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

_____ Pursuant to Rule 36(b), the committee substitute bill/resolution is placed on the Calendar of _____. The original resolution is placed on the Unfavorable Calendar.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and Moore , for the Committee on Committee on Rules, Calendar and Operations of the House

(Chair's Name) (Committee Name)

submits the following bill with a favorable report for introduction.

A Joint Resolution Honoring the Life and Memory of Daniel Lucas Elliott, North Carolina Citizen and Soldier

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and Moore (Chair's Name), for the Committee on Committee on Rules, Calendar and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

A Bill To Be Entitled An Act To Prohibit Televisions for Death Row Inmates.

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) 9LaRoque and T. Moore , for the Committee on Rules, Calendar and Operations of the House

(Chair's Name) (Committee Name)

submits the following bill with a favorable report for introduction.

A Bill To Be Entitled An Act To Authorize The Division Of Motor Vehicles To Produce A Special Motorcycle Plate For The Vietnam Veterans of America.

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

Committee Sergeants at Arms

NAME OF COMMITTEE House Rules

DATE: 5-16-2012 **Room:** 1228

House Sgt-At Arms:

1. **Name:** Carlton Adams
2. **Name:** Reggie Sills
3. **Name:** Young Bae
4. **Name:** Summer Woodrup
5. **Name:**

Pages

~~Senate Sgt-At-Arms:~~

1. **Name:** Summer Woodrup To Rep Tillis
2. **Name:** Joshua Silver Tarheel Page
3. **Name:** Zachary Warren Tarheel Page
4. **Name:** Rachelle Hall "
5. **Name:** Kenneth Davis "
   Austin Gaillet "

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
May 21, 2012

The Committee on Rules, Calendar and Operations of the House met on May 21, 2012 at 8:12 p.m. around Rep. Moore's desk in the Chamber. The following members were present: Representative Moore, Chairman; Representatives Alexander, Blust, Daughtry, Faison, Farmer-Butterfield, Folwell, Gillespie, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, Moffitt, Parmon, Saine, Samuelson, and Stam.

Rep. Moore presided.

The Following Bill was considered:

HR 970 House Resolution Honoring the Founders of the University of North Carolina at Pembroke on Its One Hundred Twenty-Fifth Anniversary. (Representatives Bordsen, M. Alexander, Ingle, and Hackney, Primary Sponsors) Rep. Moore recognized Rep. Alexander who motioned for the resolution to be adopted. Rep. Moore recognized Rep. Moffitt to second the motion. No discussion or debate. Vote called and the motion passed.

Chair Moore adjourned at 8:14 p.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, May 21, 2012
TIME: Immediately after Session
LOCATION: Around Rep. Moore's Desk LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 970	Honor UNC-P's Anniversary.	Representative Pridgen Representative Graham Representative Pierce

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **May 21, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

HOUSE RESOLUTION 970

Sponsors:	Representatives Pridgen, Graham, and Pierce (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

May 17, 2012

A HOUSE RESOLUTION HONORING THE FOUNDERS OF THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE ON ITS ONE HUNDRED TWENTY-FIFTH ANNIVERSARY.

Whereas, Preston Locklear, Hamilton McMillan, Reverend W.L. Moore, and O.R. Sampson requested that Representative Hamilton McMillan introduce legislation to finance public education for American Indian children, and as a result, the Croatan Indian Normal School was established; and

Whereas, when the 1887 law was enacted, the General Assembly appointed Preston Locklear, Hamilton McMillan, Reverend W.L. Moore, and O.R. Sampson as trustees to carry out the act; and

Whereas, it gave them authority to elect three other trustees, thus bringing the trustee body up to seven and J.J. Oxendine, Isaac Braboy, and Olin Oxendine were immediately selected; and

Whereas, according to *Pembroke State University: A Centennial History*, the seven-man Board of Trustees was charged with maintaining a school of "high grade for teachers of the Croatan race in North Carolina," as the Lumbee Indians were then known; and

Whereas, in addition, the establishment and survival of the institution owed a great deal to determined leaders such as Preston Locklear, Hamilton McMillan, Reverend W.L. Moore, and O.R. Sampson; and

Whereas, Reverend Moore was a charter member of the Croatan Indian Normal School's Board of Trustees and was celebrated as its first headmaster; and

Whereas, the General Assembly changed the name in 1911 to the Indian Normal School of Robeson County and again in 1913 to the Cherokee Indian Normal School of Robeson County; and

Whereas, in 1941 the General Assembly changed the name to Pembroke State College for Indians, and the school's curriculum further expanded; and

Whereas, in 1945 enrollment was further expanded to include American Indians from other tribes, and in 1949 the name was shortened to Pembroke State College; and

Whereas, in 1969 the name was changed to Pembroke State University and was designated a regional university; and

Whereas, in 1972 Pembroke State University became one of the constituent institutions of The University of North Carolina; and

Whereas, on July 1, 1996, Pembroke State University became the University of North Carolina at Pembroke; and

Whereas, on June 27, 2005, the North Carolina General Assembly enacted legislation designating the University of North Carolina at Pembroke as North Carolina's Historically American Indian University; and

Whereas, today the University is a regional university with over 6,000 students and one of the most diverse institutions in America; and

Whereas, today at the Croatan Indian Normal School known as the University of North Carolina at Pembroke, the founders' legacy continues on its campus; and

Whereas, on March 14, 2012, the University of North Carolina at Pembroke began a 14-month celebration to showcase the heritage, history, and accomplishments of students, faculty, staff, and alumni of this great institution; and

Whereas, *Pembroke State University: A Centennial History* eloquently noted that Reverend Moore "was an idealistic man who believed firmly in the uplifting effects of education"; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors and commemorates the first Board of Trustees and the legacy of educational opportunities the University of North Carolina at Pembroke has provided as part of the celebration of the University's 125th Anniversary on March 7, 2012.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Chancellor of the University of North Carolina at Pembroke.

SECTION 3. This resolution is effective upon adoption.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 970 A HOUSE RESOLUTION HONORING THE FOUNDERS OF THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE ON ITS ONE HUNDRED TWENTY-FIFTH ANNIVERSARY.

☒ With recommendation that it be adopted.

(FOR JOURNAL USE ONLY)

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

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

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
May 23, 2012

The Committee on Rules, Calendar and Operations of the House met on May 23, 2012 at 3:45 p.m. in room 1228 LB. The following members were present: Representative Moore, Chairman, and Representative LaRoque, Chairman, Representatives Alexander, Blust, Faison, Farmer-Butterfield, Folwell, Gillespie, Hackney, Hill, Jeffus, Johnson, Luebke, Moffitt, Saine, Stam, and Stone.

Rep. Moore presided.

The Following Bill was considered:

SB 661 License Plate Agency Contracts. (Sen. Bingham, Primary Sponsor) Rep. Moore recognized Rep. Moffitt who motioned for the PCS to be before the committee. Discussion and debate on the bill. Bill was tabled until the next meeting.

Chair Moore adjourned at 3:50 p.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, May 23, 2012
TIME: 15 minutes after session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 661	License Plate Agency Contracts.	Senator Bingham

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **1 PM** o'clock on **May 23, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 661
Program Evaluation Committee Substitute Adopted 5/10/11

Short Title: License Plate Agency Contracts. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

The General Assembly of North Carolina enacts:

SECTION 1. The Program Evaluation Division of the General Assembly shall study and evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program, authorized in G.S. 20-63(h), to determine the cost-effectiveness and savings that can be effected by changing or maintaining the current operating procedures and to develop any plans or practices that, if implemented, would result in increased operating efficiency of the Division of Motor Vehicles' Commission Contract program.

SECTION 2. The Program Evaluation Division shall submit its findings and recommendations for Section 1 of this act to the Joint Legislative Program Evaluation Oversight Committee, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee. The Joint Legislative Program Evaluation Oversight Committee shall submit any recommendations based upon the study to the 2012 Regular Session of the 2011 General Assembly.

SECTION 3. The Commissioner of Motor Vehicles shall not cancel any Commission contracts for any reason other than malfeasance, misfeasance, or nonfeasance of the Commission contractor until the 2011 General Assembly adjourns sine die.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 661
Program Evaluation Committee Substitute Adopted 5/10/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S661-CSRC-52 [v.1]

5/23/2012 2:06:37 PM

Short Title: Continuous Alcohol Monitoring Changes. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CONTINUOUS ALCOHOL MONITORING FOR CERTAIN OFFENDERS AND TO MODIFY THE METHOD OF PAYMENT FOR CONTINUOUS ALCOHOL MONITORING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-179(h1) reads as rewritten:

"(h1) The judge ~~may~~ shall impose, as a condition of probation for defendants subject to Level One or Level Two punishments, that the defendant abstain from alcohol consumption for a minimum of ~~30~~ 60 days, to a maximum of the term of probation, as verified by a continuous alcohol monitoring system. The defendant's abstinence from alcohol shall be verified by a continuous alcohol monitoring system of a type approved by the Division of Adult Correction of the Department of Public Safety."

SECTION 2. G.S. 20-179(h3) reads as rewritten:

"(h3) Any fees or costs paid pursuant to subsection (h1) of this section shall be paid to the ~~clerk of court for the county in which the judgment was entered or the deferred prosecution agreement was filed. Fees or costs collected under this subsection shall be transmitted to the entity providing the continuous alcohol monitoring system.~~entity providing the continuous alcohol monitoring system."

SECTION 3. G.S. 15A-534(i) reads are rewritten:

"(i) In addition to any other condition of pretrial release, the judicial official authorizing pretrial release ~~may~~ shall order any defendant (i) charged with an offense involving impaired driving, as defined by G.S. 20-4.01(24a), and (ii) having a prior conviction for an offense involving impaired driving that occurred within seven years before the date of the offense for which the defendant is being placed on pretrial release to abstain from alcohol consumption as verified by an approved continuous alcohol monitoring system of a type approved by the Division of Adult Correction of the Department of Public Safety for the period of pretrial release or until this condition is removed by entry of order of a court of competent jurisdiction."

SECTION 4. Sections 1 and 3 of this act become effective December 1, 2012, and apply to offenses committed on or after that date. Section 2 of this act becomes effective December 1, 2012, and applies to all fees or costs accrued on or after that date for the provision of a continuous alcohol monitoring system pursuant to G.S. 20-179(h1). Any fees or costs accrued prior to December 1, 2012 shall continue to be paid through the clerk of court. The remainder of this act is effective when it becomes law.



VISITOR REGISTRATION SHEET

Rules
(Committee Name)

Rm 1228

5/23/12
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Hufft	School of Govt
Sylvia	DST
K Bostmon	TSS
Heather Bamett	WM
David McGowan	NCAR
Alex Miller	KLG
DAVID RICE	MFS
JOHN MIDGETTE	NC PBA
Will Mulgan	NC Sierra Club
	BCBSNC

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
May 30, 2012

The Committee on Rules, Calendar and Operations of the House met on May 30, 2012 at 5:33 p.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore, Chairman, and Representative LaRoque, Chairman; Representative Owens, Vice Chair, Representatives Alexander, Blust, Daughtry, Faison, Folwell, Gillespie, Hackney, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Saine, Samuelson, Stam and Stone.

Rep. Moore presided.

The Following Bill was considered:

HJR 1034 Confirm Tamara Nance to Industrial Comm. (Rep. Folwell, Primary Sponsors)
Rep. Moore recognized Rep. Folwell who explained the bill. Discussion and debate on the bill. Rep. Stone motioned for a favorable report.

Chair Moore adjourned at 5:38 p.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

n:	Nancy Garriss (Rep. Tim Moore)
...t:	Wednesday, May 30, 2012 11:34 AM
To:	Rep. Dale Folwell (Speaker Pro Tempore)
Cc:	Paige Barefoot (Speaker Pro Tempore Folwell)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 05-30-2012 at 15 minutes after session

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, May 30, 2012
TIME: 15 minutes after session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HJR 1034	Confirm Tamara Nance to Industrial Comm.	Representative Folwell

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **May 30, 2011**.

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Corrected Notice –Time change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, May 30, 2012
TIME: immediately at recess at Rep. Tim Moore's desk in Chamber
LOCATION: 1327 LB
COMMENTS: Time change

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HJR 1034	Confirm Tamara Nance to Industrial Comm.	Representative Folwell

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3 PM** o'clock on **May 30, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, May 30, 2012
TIME: 5 minutes after recess
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HJR 1034	Confirm Tamara Nance to Industrial Comm.	Representative Folwell

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **May 30, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE JOINT RESOLUTION 1034*

Sponsors:	Representative Folwell (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

May 23, 2012

A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Whereas, G.S. 97-77(a1) provides that appointments by the Governor to the North Carolina Industrial Commission are subject to confirmation by the General Assembly; and

Whereas, the Governor has reappointed Tamara Nance to a new term on the North Carolina Industrial Commission; Now, therefore,

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

SECTION 1. The appointment of Tamara Nance to a term on the North Carolina Industrial Commission to begin on July 1, 2012, and expire on June 30, 2018, is confirmed.

SECTION 2. This resolution is effective upon ratification.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

BEVERLY EAVES PERDUE
GOVERNOR

March 1, 2012

The Honorable Thom Tillis
Speaker of the House
North Carolina General Assembly
16 West Jones Street
Raleigh, NC 27601

Dear Speaker Tillis:

Pursuant to North Carolina General Statute § 97-77(a1), I am nominating Tamara Nance for reappointment to the North Carolina Industrial Commission and hereby submit her name for confirmation by the North Carolina General Assembly as provided for in § 97-77. Ms. Nance's current term expires on June 30, 2012, and her new term will begin on July 1, 2012.

Sincerely,

Beverly Eaves Perdue

cc: The Honorable Phil Berger
The Honorable Walter Dalton
Ms. Denise Weeks
Ms. Sarah Clapp

TAMARA NANCE

5017 Birchleaf Dr., Raleigh, NC 27606
Home: 919-805-5016 Work: 919-873-0166
Email: tnance@tcdg.com

WORK EXPERIENCE

Teague Campbell Dennis & Gorham June 1996 to May 1999
Partner November 2005 to present

Represent employers and insurers in litigation before the North Carolina Industrial Commission and North Carolina's appellate courts

The Law Office of Tamara Nance April 2004 to November 2005
Board-certified mediator

Martin & Jones May 1999 to April 2004

Represent employees in litigation before the North Carolina Industrial Commission and NC appellate courts

The North Carolina Industrial Commission January 1987 to October 1995
Deputy Commissioner

Heard and decided workers' compensation and tort claim cases throughout North Carolina

Womble Carlyle Sandridge & Rice August 1986 to January 1987
Associate

Assist in defense of manufacturer in multi-district products liability litigation

Ohio Supreme Court February 1984 to June 1986
Assistant Court Reporter

EDUCATION

The Ohio State University September 1975 to June 1979
BA in Economics

Ohio State University Moritz College of Law September 1979 to June 1982
Juris Doctorate

LICENSURES AND HONORS

- Admitted to the Ohio Bar (1983) and North Carolina Bar (1986)
- Best Lawyers in America (2009 – 2011)
- NC Super Lawyers (2008-2011)
- Martindale-Hubbell AV Rated for 10 years

HOUSE JOINT RESOLUTION 1034: Confirm Tamara Nance to Industrial Comm

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	May 30, 2012
Introduced by:	Rep. Folwell	**Prepared by:**	Kory Goldsmith Committee Counsel
Analysis of:	First Edition		

SUMMARY: HJR 1034 confirms the appointment of Tamara Nance to the Industrial Commission for a term of six years. Ms. Nance was initially appointed by Governor Perdue on June 22, 2011 to fill a vacancy. Her current term expires June 30, 2012. Her new term will expire June 30, 2018.

Confirmation by the General Assembly of Industrial Commission appointments made by the Governor is required by G.S. 97-77(a1). The resolution is effective upon ratification.

[As introduced, this bill was identical to S817, as introduced by Sen. Brown, which is currently in Senate Commerce.]

BACKGROUND: The North Carolina Industrial Commission is an agency of the State of North Carolina created by the General Assembly in 1929 to administer the North Carolina Workers' Compensation Act. In 1949, the Industrial Commission was also given authority by the General Assembly to administer the Tort Claims Act. Additionally, the Industrial Commission is charged with administering the Death Benefits Act for Law Enforcement Officers, Firemen, Rescue Squad Workers and Civil Air Patrol Members; the Childhood Vaccine-Related Injury Compensation Program; and ompensation to Persons Erroneously Convicted of Felonies.

In 2011, the General Assembly enacted numerous changes to the law related to workers' compensation. Among other changes, S.L. 2011-287 reduced the number of Commissioners on the North Carolina Industrial Commission from seven to six members. The legislation prohibits any person from serving more than two terms, including any term served prior to June 24, 2011, unless the person served a partial term of less than three years. The legislation also made the Governor's appointments subject to confirmation by the General Assembly by Joint Resolution; a process that is similar to the appointment and confirmation of members of the Utilities Commission. No person while in office as a commissioner may be nominated or appointed on an interim basis to fill the remainder of an unexpired term, or to a full term that commences prior to the expiration of the term that the Commissioner was currently serving.

The salary for an Industrial Commissioner is the same as that fixed for a district attorney which is presently $119,305 annually. The Commissioner designated as chair receives $1,500 additional per annum.

Members of the Industrial Commission are subject to the same standards of conduct as a judge. They may be removed during their term of office only for cause, by impeachment. G.S. 97-77(a) provides, in part that members of the Industrial Commission "shall devote their entire time to the duties of the Commission."

H1034-SMRC-63(e1) v2

STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324
WWW.ETHICSCOMMISSION.NC.GOV

ROBERT L. FARMER
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

May 25, 2012

The Honorable Beverly Perdue
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Via e-mail

Re: Evaluation of Statement of Economic Interest Filed By **Ms. Tamara R. Nance**
North Carolina Industrial Commission

Dear Governor Perdue:

Our office is in receipt of Ms. Tamara R. Nance's 2012 Statement of Economic Interest as a member of the **North Carolina Industrial Commission** ("the Commission"). We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S.") also known as the State Government Ethics Act ("SGEA" or "the Act").

We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The North Carolina Industrial Commission is responsible for the administration of the Workers' Compensation Act, Law Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Acts, and the Childhood Vaccine-Related Injury Act. The Commission processes workers' compensation claims, oversees and provides for the trial of contested cases, approves settlement agreements and administers non-contested cases. The Commission also adjudicates claims made pursuant to the State Tort Claims Act.

The Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client, a member of the public servant's extended family, or a business or non-profit with which the public servant is associated would receive a reasonably foreseeable financial benefit.

Ms. Nance's spouse is employed by the Department of Correction ("DOC"). In the event that DOC or her spouse should come before the Commission for official action, Ms. Nance would have the potential for a conflict of interest. She should exercise appropriate caution in the performance of her public duties. This would include recusing herself to the extent that this interest would influence or could reasonably appear to influence actions.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with this Chapter.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

Teresa H. Pell

Teresa H. Pell
SEI Attorney

THP:bc

cc: Ms. Tamara R. Nance

Attachment: Ethics Education Flyer

NORTH CAROLINA STATE ETHICS COMMISSION

2012 STATEMENT OF ECONOMIC INTEREST

COPY

919-715-2071 www.ethicscommission.nc.gov

FOR OFFICE USE ONLY

RECEIVED

APR 12 2012

STATE ETHICS COMMISSION

COMPLETE THIS FORM AND MAIL SIGNED, ORIGINAL TO
STATE ETHICS COMMISSION, 1324 MAIL SERVICE CENTER, RALEIGH, NC 27699-1324

FILER'S NAME (FIRST, MIDDLE, LAST)

First Name	Middle Name	Last Name	Suffix
TAMARA	ROBIN	NANCE	

MAILING ADDRESS, CITY, STATE, ZIP+4[1]

Address	City	State	Zip
5017 BIRCHLEAF DR.	RALEIGH	NC	27606

HOME ADDRESS, CITY, STATE, ZIP+4

☒ Same as Mailing Address

Address	City	State	Zip

CURRENT EMPLOYER: NC INDUSTRIAL COMMISSION

JOB TITLE: COMMISSIONER

NATURE OF BUSINESS: STATE AGENCY - QUASI-JUDICIAL

DAYTIME PHONE NUMBER: 919-807-2521

ALTERNATE PHONE NUMBER: 919-610-9973

ADDRESS: tammy.nance@~~nc.gov~~ ic.nc.gov

REASON FOR FILING (SELECT ALL THAT APPLY)

☐ STATE GOVERNMENT JOB (Please specify the agency for which you work)

☒ BOARD/COMMISSION (Please list all boards on which you are serving)

NC INDUSTRIAL COMMISSION

☐ JUDICIAL OFFICER (Please specify the office you hold)

☐ LEGISLATOR (Please specify the legislative branch – House or Senate)

Do other immediate family members reside in your household?[2]

☒ Yes ☐ No

FULL NAME[3]	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
JAMES NANCE	HUSBAND	DEPT. OF CORRECTION	ELECTRONIC TECH III	STATE PRISON
JOHN NANCE	SON	N/A STUDENT	N/A	N/A
JENNIFER NANCE	DAUGHTER	N/A STUDENT	N/A	N/A

[1] **With the exception of judicial officers** (including justices or judges of the General Court of Justice, district attorneys, and clerks of court), persons holding or seeking an elected office with a residency requirement must provide a home address.

[2] **Immediate family** includes your spouse (unless legally separated), minor children, and members of your extended family (your and your spouse's adult children, grandchildren, grandparents, and siblings, and the spouses of each of those persons) **that reside in your household**.

[3] ...ay use the initials of unemancipated children instead of those children's names. If initials are used, the children's names should be provided on a (non-public) supplement ...able from the Commission upon request.

This entire document and any attachments are public record.

I. $10,000 PLUS DISCLOSURES

If you, your spouse, or members of your immediate family have assets or liabilities with a market value of at least $10,000 in the following categories please provide the requested information as of December 31st of the preceding year unless another time period is specified in the question.

- ▶ Do not list the value of those assets or liabilities.
- ▶ Do not list assets or liabilities held in a blind trust[4] established by or for the benefit of you or an immediate family member.

1. Do you, your spouse, or members of your immediate family have an ownership interest in North Carolina real estate with a market value of $10,000 or more?

☒ Yes ☐ No HOME @ 5017 BIRCHLEAF DR.

Owner of Real Estate	% Ownership Interest	Location by City	Location by County
JAMES & TAMARA NANCE	100%	RALEIGH	WAKE
TAMARA NANCE	1/12 th (share of 240 ± acres of timber	LITTLETON/NC	WARREN & HALIFAX

2. Do you, your spouse, or members of your immediate family lease or rent to or from the State real estate with a market value of $10,000 or more?

☐ Yes ☒ No

Name of Lessor	Name of Lessee (Renter)	Location by City	Location by County

3. Within the preceding two years, have you, your spouse, or members of your immediate family sold to or bought from the State personal property with a market value of $10,000 or more?

☐ Yes ☒ No

Name of Purchaser	Name of Seller	Type of Property

4. Do you, your spouse, or members of your immediate family currently lease or rent to or from the State personal property with a market value of $10,000 or more?

☐ Yes ☒ No

Name of Lessor	Name of Lessee (Renter)	Type of Property

[4] A "blind trust" is a trust that meets all of the following criteria: (a) the owner of the trust's assets has no knowledge of the trust's holdings and sources of income, (b) t dual or entity managing the trust's assets ("the trustee") is not a member of the covered person's extended family and is not associated with or employed by the covered per s or her immediate family, and (c) the trustee has sole discretion to manage the trust's assets. G.S. 138A-3(1).

your spouse, or members of your immediate family own interests (generally stock) valued at $10,000 or more in a publicly owned company?

☒ No (JUST FIDELITY IRA - NOT STOCK OR MUTUAL FUND)

Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if (i) the fund is publicly traded or its assets are widely diversified and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)

5(b). Do you, your spouse, or members of your immediate family hold stock options valued at $10,000 or more in a company or business?

☐ Yes ☒ No

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

6(a). Do you, your spouse, or members of your immediate family have financial interests valued at $10,000 or more in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☐ Yes ☒ No

Owner of Interest	Name of Business Entity

6(b). For each of those non-publicly owned companies or business entities identified in question 6(a) (the "primary company"), please list the names of *any other companies* in which the primary company owns securities or equity interests valued at over $10,000, *if known*.

Non-Publicly Owned Company (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
☒ None or Not Known	

6(c). If you know that any company or business entity listed in 6(a) or (b) above has any materia: business dealings or business contracts *with the State*, or is *regulated by the State*, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☒ None or Not Known	

7. Are you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of $10,000 or more that is created, established, or controlled *by you*?

☐ Yes ☒ No

► **Do not list blind trusts[4].**

Name and Address of Trustee	Description of the Trust	Your Relationship to the Trust

8. Do you, your spouse, or members of your immediate family have a liability (debt) of $10,000 or more, excluding indebtedness (mortgage) on your primar personal residence? Examples include credit card debts, auto loans, and student loans.

☒ Yes ☐ No

Name of Debtor (You, Spouse, Immediate Family Member)	Type of Creditor (Commercial Bank, Credit Union, Individual, etc.)
JAMES & TAMARA NANCE	BBT (BANK) CAR LOAN
JAMES & TAMARA NANCE	TOYOTA CAR LOAN

II. OTHER DISCLOSURES

9(a). During the preceding calendar year, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☐ Yes ☒ No

► Do not list State boards or entities, or entities created by a political subdivision of the State.
► Do not list organizations of which you are a mere member or subscriber.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization

f the listed nonprofit corporations or organizations do business with the State or receive State funds, please provide a brief description of the nature of siness, if known, or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe State Business or State Funding
☒ None or Not Known	

10. List all sources of income (not specific amounts) of more than $5,000 received by you, your spouse, or members of your immediate family during the preceding calendar year. **Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, and business income.**

Do *not* include income received from the following sources:

- ▶ Capital gains
- ▶ Federal government retirement
- ▶ Military retirement
- ▶ Social security income/SSDI

Recipient of Income	Name of Source	Type of Business/Industry	Type of Income
☐ I had no reportable income over $5,000 in the preceding calendar year.			
JAMES NANCE	STATE OF NC	PRISON	SALARY
TAMARA NANCE	TEAGUE CAMPBELL DENNIS & GORHAM	LAW FIRM	SALARY (TO 6-24-11)
TAMARA NANCE	STATE OF NC	COMMISSION	SALARY

11. Are you a practicing attorney?

☒ Yes ☐ No ☒ Judicial Officer/State Attorney — prior to 6-24-11 / since 7-1-11

If "Yes", check each category of legal representation in which you or the law firm with which you are associated has earned legal fees of $10,000 or more during the preceding calendar year.

☐ Administrative	☐ Admiralty	☐ Corporate	☐ Criminal
☐ Decedent's Estates	☐ Environmental	☐ Insurance	☐ Labor
☐ Local Government	☐ Real Property	☐ Securities	☐ Tax
☐ Tort litigation (including negligence)	☐ Utilities Regulation	☒ Other category not listed or did not earn legal fees of $10,000 or more during the preceding calendar year — prior to 6-24-11 but not since WORKERS' COMP	

12. Are you (1) a licensed professional (other than an attorney) or do you provide consulting services individually or as a member of a professional association **and** (2) did you charge or were you paid over $10,000 for those services during the preceding calendar year?

☐ Yes ☐ No

Type of Business	Nature of Services Rendered

This entire document and any attachments are public record.

13. Are you or your employer, your spouse or members of your immediate family, or their employer:

- Licensed by the State board or employing entity with which you are or will be associated **or**
- Regulated by the State board or employing entity with which you are or will be associated **or**
- Have a business relationship with the State board or employing entity with which you are or will be associated?

☐ Yes ☒ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer ("judicial officer" is defined in footnote 1) or you are filing as an appointee to those offices.

Name of Person	Name of Employer (If applicable)	Type of Relationship (Licensing, Regulatory, Business)

14. During the preceding calendar year, were you, your spouse, or members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group which has an interest pertaining to subject matter areas over which your agency or board may have jurisdiction?

☒ Yes ☐ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

►Do not list organizations of which you are only a member (not a leadership role).

Name of Person	Name of Society, Organization or Advocacy Group	Leadership Position (Director, Officer, Board Member)
TAMARA NANCE	TEAGUE CAMPBELL DENNIS & GORHAM	PARTNER UNTIL 6-24-11

15. Have you ever been convicted of a felony for which you have not received either (i) a pardon of innocence or (ii) an order of expungement regarding th conviction?

☐ Yes ☒ No

Offense	Date of Conviction	County of Conviction	State of Conviction

16. During any calendar quarter in the preceding year (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you

- receive any gift(s) exceeding $200 per quarter from a person or group of persons acting together, **and**
- when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), **and**
- the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☒ No

►Do not report gifts given by members of your extended family.

►Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

Date Item Received	Name and Address of Donor(s)	Describe Item Received	Estimated Market Value

[redacted]

iring the preceding year (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) have you

- accepted a "scholarship" exceeding $200 from a person or group of persons acting together and

hose person(s) were outside North Carolina **and**

he scholarship was related to your public position? **A "scholarship" is a grant-in-aid to attend a conference, meeting, or similar event.**

☐ Yes ☒ No ☐ Judicial Officer - You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee.

▶ Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

▶Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

Date of Scholarship	Name and Address of Donor(s)	Describe Event	Estimated Market Value

18. Are you or a member of your immediate family currently registered as a lobbyist or lobbyist principal or were you registered as such within the preceding 12 months?

☐ Yes ☒ No

Name of Lobbyist	Lobbyist's Principal	Date of Registration	Registration Expiration

19(a). List the name of each business with which you are associated where you or a member of your immediate family is an employee, director, officer, partner, proprietor, or member or manager.

Name of Person	Relationship to Filer	Name of Company	Role of Person
☒ No Business Associations			

19(b). If you know that any company or business entity listed in 19(a) above has any material business dealings or business contracts with the State, or is regulated by the State, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☒ Not applicable (No entities listed on #19a) ☐ No relationship / Not known	

20. Did a Council of State member appoint you to or recommend you for appointment to a board covered by the Ethics Act? Council of State members are:

- ▶ Governor
- ▶ Lt. Governor
- ▶ Secretary of State
- ▶ State Auditor
- ▶ State Treasurer
- ▶ Superintendent of Public Instruction
- ▶ Attorney General
- ▶ Commissioner of Agriculture
- ▶ Commissioner of Labor
- ▶ Commissioner of Insurance

☒ Yes ☐ No

If "Yes", list all contributions you (not immediate family members) made during the preceding calendar year with a cumulative total of more than $1,000 to the Council of State member who appointed you.

▶Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

Date	Amount	Contributed to
☒ No contribution(s) with a cumulative total of more than $1,000		

21. Are you now, or are you a prospective appointee to:

a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor; or
b. a North Carolina Supreme Court Justice, Court of Appeals, Superior or District Court Judge; or
c. a member of any of the following boards:
   - ABC Commission
   - Coastal Resources Commission
   - State Board of Education
   - State Board of Elections
   - Employment Security Commission
   - Environmental Management Commission
   - Industrial Commission
   - State Personnel Commission
   - Rules Review Commission
   - Board of Transportation
   - UNC Board of Governors
   - Utilities Commission
   - Wildlife Resources Commission

☒ Yes ☐ No

If "No", proceed to question 22.

d. If so, were you appointed to, or are you being considered for, appointment to your public position by a Council of State Member (Governor, Lt. Governor, Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, or Commissioner of Insurance)?

☒ Yes ☐ No

If "No", proceed to question 22.

e. If so, you must indicate whether during the preceding calendar year you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position:

i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

☐ Yes ☒ No

ii. Hosted a fundraiser at your residence or place of business?

☐ Yes ☒ No

iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate?

☐ Yes ☒ No

[redacted]

2. Are you aware of any other information that *you believe* may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

Yes ☒ No

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45. (2006-201, s. 1.)

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45. (2006-201, s. 1.)

☒ I Agree

TAMARA NANCE
Printed Name

****Notarization is no longer required****

Tamara Nance
Signature

4-10-12
Date

Submit SIGNED, ORIGINAL documents.

NORTH CAROLINA STATE ETHICS COMMISSION

SUPPLEMENT TO THE 2012 STATEMENT OF ECONOMIC INTEREST

For Office Use Only

RECEIVED
MAY 11 2012
STATE ETHICS COMMISSION

Name of Person Filing Supplement: TAMARA NANCE

Name of Agency or Board: NC INDUSTRIAL COMMISSION

Date: 5-11-12

12. Are you (1) a licensed professional (other than an attorney) or do you provide consulting services individually or as a member of a professional association **and** (2) did you charge or were you paid over $10,000 for those services during the preceding calendar year?

☐ Yes ☒ No

Type of Business	Nature of Services Rendered

This entire document and any attachments are public record.

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

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I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

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A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45. (2006-201, s. 1.)

☒ **I Agree**

TAMARA NANCE

Printed Name

****Notarization is no longer required****

Tamara Nance

Signature

May 11, 2012

Date

Submit SIGNED, ORIGINAL documents.

This entire document and any attachments are public record.

Please mail signed original supplement to: State Ethics Commission, 1324 Mail Service Center, Raleigh, NC 27699-1324. For assistance please call: 919-715-2071.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HJR 1034 A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 4, 2012

The Committee on Rules, Calendar and Operations of the House met on June 4, 2012 at 5:00 p.m. in room 1228 of the Legislative Building. The following members were present: Representative Owens, Vice Chair; Representatives Alexander, Daughtry, Folwell, Gillespie, Hilton, Johnson, Luebke, and Moffitt.

Rep. Owen presided.

The Following Bill was considered for introduction:

A House Resolution Expressing Appreciation To The Members Who Will Be Leaving the House of Representatives At The End of Their Current Terms. Rep. Owens recognized Rep. Gillespie who explained the bill. No discussion and debate on the bill. Rep. Daughtry motioned for a favorable report as to introduction.

Vice Chair Owens adjourned at 5:01 p.m.

Respectfully submitted:

Bill Owens
Representative Bill Owens
Vice-Chair

Lisa Kennedy
Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

n: Lisa Kennedy (Rep. LaRoque)
t: Thursday, May 31, 2012 4:13 PM
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Fri, 05-04-2012 at 1:00 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday June 4, 2012
TIME: 5:00 pm
LOCATION: 1327 LB
COMMENTS:

...use Resolution Honoring Retiring Members of the House

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **May 31, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION DRHR80375-LG-200 (05/31)

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

A HOUSE RESOLUTION EXPRESSING APPRECIATION TO THE MEMBERS WHO WILL BE LEAVING THE HOUSE OF REPRESENTATIVES AT THE END OF THEIR CURRENT TERMS.

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives extends its deepest gratitude and appreciation to the members who will be leaving this body at the end of their current terms. The dedicated public servants listed below have rendered distinguished service to their districts, this body, and the State of North Carolina and deserve to be recognized for their contributions to the General Assembly:

Alice L. Bordsen – Democrat, 63rd District, five terms
Glen Bradley – Republican, 25th District, one term
Larry R. Brown – Republican, 74th District, four terms
Bill Cook – Republican, 6th District, one term
James W. Crawford, Jr. – Democrat, 2nd District, fourteen terms
William A. Current, Sr. – Republican, 109th District, four terms
Bill Faison – Democrat, 50th District, four terms
Dale R. Folwell – Republican, 74th District, four terms
Phillip Frye – Republican, 85th District, five terms
Joe Hackney – Democrat, 6th District, sixteen terms
R. Phillip Haire – Democrat, 119th District, seven terms
Dewey L. Hill – Democrat, 46th District, ten terms
Mark K. Hilton – Republican, 96th District, six terms
Dan W. Ingle – Republican, 64th District, one and one-half terms
Maggie Jeffus – Democrat, 7th District, ten terms
Carolyn H. Justice – Republican, 16th District, five terms
Patsy Keever – Democrat, 4th District, one and one-half terms
Ric Killian – Republican, 105th District, three terms
Stephen A. LaRoque – Republican, 10th District, three terms
Grier Martin – Democrat, 34th District, four terms
Daniel F. McComas – Republican, 19th District, nine terms
Darrell G. McCormick – Republican, 73rd District, two terms
William C. "Bill" McGee – Republican, 75th District, five terms
Frank McGuirt – Democrat, 69th District, one-half term
Grey Mills – Republican, 95th District, two terms
Bill Owens – Democrat, 1st District, nine terms
Dianne Parfitt – Democrat, 44th District, one and one-half terms



Earline W. Parmon – Democrat, 72nd District, five terms
Shirley B. Randleman – Republican, 94th District, two terms
Efton M. Sager – Republican, 4th District, two terms
Norman W. Sanderson – Republican, 3rd District, one term
Timothy L. Spear – Democrat, 6th District, three and one-half terms
Fred F. Steen, II – Republican, 76th District, four and one-half terms
Edith D. Warren – Democrat, 8th District, seven terms
Trudi Walend – Republican, 113th District, five and one-half terms
Jennifer Weiss – Democrat, 41st District, six and one-half terms
Larry Womble – Democrat, 71st District, nine terms

SECTION 2. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION DRHR80375-LG-200 (05/31)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

A HOUSE RESOLUTION EXPRESSING APPRECIATION TO THE MEMBERS WHO WILL BE LEAVING THE HOUSE OF REPRESENTATIVES AT THE END OF THEIR CURRENT TERMS.

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives extends its deepest gratitude and appreciation to the members who will be leaving this body at the end of their current terms. The dedicated public servants listed below have rendered distinguished service to their districts, this body, and the State of North Carolina and deserve to be recognized for their contributions to the General Assembly:

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Glen Bradley – Republican, 25th District, one term
Larry R. Brown – Republican, 74th District, four terms
Bill Cook – Republican, 6th District, one term
James W. Crawford, Jr. – Democrat, 2nd District, fourteen terms
William A. Current, Sr. – Republican, 109th District, four terms
Bill Faison – Democrat, 50th District, four terms
Dale R. Folwell – Republican, 74th District, four terms
Phillip Frye – Republican, 85th District, five terms
Joe Hackney – Democrat, 6th District, sixteen terms
R. Phillip Haire – Democrat, 119th District, seven terms
Dewey L. Hill – Democrat, 46th District, ten terms
Mark K. Hilton – Republican, 96th District, six terms
Dan W. Ingle – Republican, 64th District, one and one-half terms
Maggie Jeffus – Democrat, 7th District, ten terms
Carolyn H. Justice – Republican, 16th District, five terms
Patsy Keever – Democrat, 4th District, one and one-half terms
Ric Killian – Republican, 105th District, three terms
Stephen A. LaRoque – Republican, 10th District, three terms
Grier Martin – Democrat, 34th District, four terms
Daniel F. McComas – Republican, 19th District, nine terms
Darrell G. McCormick – Republican, 73rd District, two terms
William C. "Bill" McGee – Republican, 75th District, five terms
Frank McGuirt – Democrat, 69th District, one-half term
Grey Mills – Republican, 95th District, two terms
Bill Owens – Democrat, 1st District, nine terms
Dianne Parfitt – Democrat, 44th District, one and one-half terms

Earline W. Parmon – Democrat, 72nd District, five terms
Shirley B. Randleman – Republican, 94th District, two terms
Efton M. Sager – Republican, 4th District, two terms
Norman W. Sanderson – Republican, 3rd District, one term
Timothy L. Spear – Democrat, 6th District, three and one-half terms
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Edith D. Warren – Democrat, 8th District, seven terms
Trudi Walend – Republican, 113th District, five and one-half terms
Jennifer Weiss – Democrat, 41st District, six and one-half terms
Larry Womble – Democrat, 71st District, nine terms

SECTION 2. This resolution is effective upon adoption.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) LaRoque and Moore (Chair's Name), for the Committee on Rules, Calendar, and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

A House Resolution Expressing Appreciation To The Members Who Will Be Leaving the House of Representatives At The End of Their Current Terms.

(FOR JOURNAL USE ONLY)

__Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 6-4-2012 Room: 1228

*Name:

County:

Sponsor:

*Name:

County:

Sponsor:

*Name:

County:

sor:

*Name:

County:

Sponsor:

*Name:

County:

Sponsor:

House Sgt-At Arms:

1. Name: Martha Farrell
2. Name: John Brandon
3. ame: Martha Gadison
4. Name:
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

Rules

(Committee Name)

6-4-2012

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mitch Leonard	SEANC
Dana Fenton	City of Charlotte

09-21-201

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 5, 2012

The Committee on Rules, Calendar, and Operations of the House met on June 5, 2012 at 10:35 a.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore, Chairman, Representative Owens, Vice-Chair, Representatives Blust, Representative Daughtry, Representative Hackney, Representative Hilton, and Representative Parmon.

Chairman Moore presided.

Chairman Moore recognized the Pages and Sergeant at Arms.

The following bill was considered:

HR 1219, A House Resolution Expressing Appreciation To The Members Who Will Be Leaving The House Of Representatives At The End Of Their Current Terms. (Committee on Rules, Calendar, and Operations of the House, Primary Sponsor) Chairman Moore recognized Representative Stone who motioned for the PCS to be before the committee. A vote was called and the motion passed. There was no discussion or debate on the bill. Representative Moore recognized Representative Owens who made a motion that the PCS be adopted and unfavorable to the original bill.

Chairman Moore asked Representative Owens to preside.

The following bill was considered:

SB 236, A Bill To Be Entitled An Act To Give Priority To Local Events At Specified Publicly Owned Convention Centers. (Sen. Goolsby, Primary Sponsor) Representative Owens recognized Representative Stone who made a motion for the PCS to be before the committee. Vote was called and the motion passed. Representative Owens recognized Chairman Moore to explain the bill. Representative Stone made a motion for a favorable report as to the PCS, which changes the title, unfavorable to the Senate Committee Substitute. Vote was called and the motion passed.

Rep. Moore adjourned at 10:45 a.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

n: Lisa Kennedy (Rep. LaRoque)
t: Monday, June 04, 2012 2:58 PM
To: Sen. Thom Goolsby
Cc: Joseph Kyzer (Sen. Goolsby)
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tue, 06-05-2012 at 10:30 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 5, 2012
E: 10:30 pm
OCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 236	Local Events Priority/Convention Center.	Senator Goolsby

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **June 04, 2011.**

Principal Clerk
Reading Clerk – House Chamber

a Kennedy (Committee Assistant)

Corrected Notice 10:30 AM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 5, 2012
TIME: **10:30 AM**
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 236	Local Events Priority/Convention Center.	Senator Goolsby

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **June 04, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 236
Insurance Committee Substitute Adopted 6/9/11

Short Title: Local Events Priority/Convention Center. (Public)

Sponsors:

Referred to:

March 8, 2011

A BILL TO BE ENTITLED

AN ACT TO GIVE PRIORITY TO LOCAL EVENTS AT SPECIFIED PUBLICLY OWNED CONVENTION CENTERS.

The General Assembly of North Carolina enacts:

SECTION 1. Definitions. – The following definitions apply in this act:

(1) Black-out period. – A period provided in a booking contract during which a directly competing event can be blocked from using the same publicly owned convention facility as the event provided for in the booking contract.

(2) External event. – An exhibition or event planned, coordinated, financed, and promoted by a sponsor whose principal business location is outside the jurisdiction of the public owner/operator and which utilizes fewer than 500 hotel room nights.

(3) Local event. – An exhibition or event planned, coordinated, financed, and promoted by a local sponsor which utilizes fewer than 500 hotel room nights.

(4) Local sponsor. – An organization the principal business location of which is located within the jurisdiction of the public owner/operator, with a membership of at least 100 businesses and individuals, with at least ten percent (10%) of its membership being composed of local businesses or individuals subject to the taxing authority of the public owner/operator, and with an annual budget averaged over the preceding three years of no less than one hundred fifty thousand dollars ($150,000).

(5) Public owner/operator. – A city government subject to Chapter 160A of the General Statutes or a county government subject to Chapter 153A of the General Statutes with a population, as measured in the most recent census, of at least 100,000 and no more than 300,000 or regional authorities comprised of two or more city or county governments representing a cumulative population of at least 250,000 and no more than 500,000 that own or operate a publicly owned convention facility.

(6) Publicly owned convention facility. – A convention or civic center facility for which at least fifty percent (50%) of the cost of construction was paid for, or guaranteed, by public funds, including, without limitation, special purpose or general obligation bonds.

SECTION 2. Publicly Owned Convention Center Booking Policy. – Any public owner/operator shall promulgate and enforce booking policies for its publicly owned convention facility which accommodate the needs of local sponsors. Such booking policies

shall provide a higher priority category for local events than for external events. This requirement shall not be interpreted to require priority for local events over priority categories based on utilization of 500 or more hotel room nights. Any booking policy and any management agreement entered into by the public owner/operator shall require:

(1) That a priority category be created for local events, distinct from external events.

(2) That the priority category for local events provide at a minimum that local events cannot be blocked by tentative scheduling of other local events or external events.

(3) That black-out periods be limited to periods of 30 days or less before and after the event for local events and external events.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 236
Insurance Committee Substitute Adopted 6/9/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S236-CSTO-3 [v.4]

6/5/2012 9:30:54 AM

Short Title: Adopt State Butterfly; Festivals. (Public)

Sponsors:

Referred to:

March 8, 2011

A BILL TO BE ENTITLED

AN ACT ADOPTING THE EASTERN TIGER SWALLOWTAIL AS THE OFFICIAL STATE BUTTERFLY, DESIGNATING THE SHELBY LIVERMUSH FESTIVAL AS THE OFFICIAL FALL LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA, DESIGNATING THE MARION LIVERMUSH FESTIVAL AS THE OFFICIAL SPRING LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA, AND DESIGNATING THE SWANSBORO MULLET FESTIVAL AS THE OFFICIAL MULLET FESTIVAL OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding the following sections:

"**§ 145-38. State butterfly.**

The Eastern tiger swallowtail (Papilio glaucus) is adopted as the official State butterfly of the State of North Carolina.

"**§ 145-39. State spring and fall livermush festivals.**

(a) The Shelby Livermush Festival is adopted as the official fall livermush festival of the State of North Carolina.

(b) The Marion Livermush Festival is adopted as the official spring livermush festival of the State of North Carolina.

"**§ 145-40. State mullet festival.**

The Swansboro Mullet Festival is adopted as the official mullet festival of the State of North Carolina."

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

SENATE BILL 236:
Adopt State Butterfly/Festivals

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 5, 2012
Introduced by:	Sen. Goolsby	**Prepared by:**	Shelly DeAdder
Analysis of:	PCS to Second Edition S236-CSTO-3		Committee Counsel

SUMMARY: ***The proposed committee substitute completely rewrites Senate Bill 236 and would adopt a State butterfly; designate two livermush festivals as the official State fall and spring livermush festival; and designate an official State mullet festival.***

CURRENT LAW: There is no official State butterfly or livermush festival.

BILL ANALYSIS: The PCS to Senate Bill 236 would make the Eastern Tiger Swallowtail the official State butterfly; designate the Shelby Livermush Festival as the official fall livermush festival and the Marion Livermush Festival as the official spring livermush festival; and designate the Swansboro Mullet Festival as the official mullet festival.

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

BACKGROUND: According to Jeffrey Pippen, an instructor at Duke University's School of the Environment, the Eastern Tiger Swallowtail is one of the most recognized and commonly seen species butterfly in the Carolinas.[1]

The Marion Livermush Festival typically takes place on the first Friday in June and features a cook-off, haiku contest, and livermush toss. The Shelby Livermush Festival typically takes place on the third Saturday in October and features a pageant.[2] This committee previously gave a favorable report to House Bill 440, which contained the livermush festival provisions.

The Swansboro Mullet Festival has been taking place for the past 50 years. It began as a celebration by the residents of Swansboro after the completion of the bridge across the White Oak River. The festival currently takes place on the second Saturday in October and features arts, crafts, and a parade.[3]

S236-SMTO-0(CSTO-3) v1

[1] http://www.duke.edu/~jspippen/butterflies/easterntigerswallowtail.htm
[2] http://media.visitnc.com/news/31/98/Offbeat-and-Off-The-Beaten-Path-2011/d,mediakit.html
[3] http://www.swansboroncrealestate.com/swansboro-mullet-festival.html

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 1219
PROPOSED COMMITTEE SUBSTITUTE H1219-PCS30624-LG-37

Sponsors:

Referred to:

June 4, 2012

A HOUSE RESOLUTION EXPRESSING APPRECIATION TO THE MEMBERS WHO WILL BE LEAVING THE HOUSE OF REPRESENTATIVES AT THE END OF THEIR CURRENT TERMS.

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives extends its deepest gratitude and appreciation to the members who will be leaving this body at the end of their current terms. The dedicated public servants listed below have rendered distinguished service to their districts, this body, and the State of North Carolina and deserve to be recognized for their contributions to the General Assembly:

Alice L. Bordsen – Democrat, 63rd District, five terms
Glen Bradley – Republican, 49th District, one term
Larry R. Brown – Republican, 73rd District, four terms
Bill Cook – Republican, 6th District, one term
James W. Crawford, Jr. – Democrat, 32nd District, fourteen terms
William A. Current, Sr. – Republican, 109th District, four terms
Bill Faison – Democrat, 50th District, four terms
Dale R. Folwell – Republican, 74th District, four terms
Phillip Frye – Republican, 84th District, five terms
Joe Hackney – Democrat, 54th District, sixteen terms
R. Phillip Haire – Democrat, 119th District, seven terms
Dewey L. Hill – Democrat, 20th District, ten terms
Mark K. Hilton – Republican, 96th District, six terms
Dan W. Ingle – Republican, 64th District, one and one-half terms
Maggie Jeffus – Democrat, 59th District, ten terms
Carolyn H. Justice – Republican, 16th District, five terms
Patsy Keever – Democrat, 115th District, one and one-half terms
Ric Killian – Republican, 105th District, three terms
Stephen A. LaRoque – Republican, 10th District, three terms
Grier Martin – Democrat, 34th District, four terms
Daniel F. McComas – Republican, 19th District, nine terms
Darrell G. McCormick – Republican, 92nd District, two terms
William C. "Bill" McGee – Republican, 75th District, five terms
Frank McGuirt – Democrat, 69th District, one-half term
Grey Mills – Republican, 95th District, two terms
Bill Owens – Democrat, 1st District, nine terms

Dianne Parfitt – Democrat, 44th District, one and one-half terms
Earline W. Parmon – Democrat, 72nd District, five terms
Shirley B. Randleman – Republican, 94th District, two terms
Efton M. Sager – Republican, 11th District, two terms
Norman W. Sanderson – Republican, 3rd District, one term
Timothy L. Spear – Democrat, 2nd District, three and one-half terms
Fred F. Steen, II – Republican, 76th District, four and one-half terms
Edith D. Warren – Democrat, 8th District, seven terms
Trudi Walend – Republican, 113th District, five and one-half terms
Jennifer Weiss – Democrat, 35th District, six and one-half terms
Larry Womble – Democrat, 71st District, nine terms

SECTION 2. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE RESOLUTION 1219
PROPOSED COMMITTEE SUBSTITUTE H1219-PCS30624-LG-37

Sponsors:

Referred to:

June 4, 2012

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Trudi Walend – Republican, 113th District, five and one-half terms
Jennifer Weiss – Democrat, 35th District, six and one-half terms
Larry Womble – Democrat, 71st District, nine terms

SECTION 2. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE RESOLUTION 1219

Sponsors: Committee on Rules, Calendar, and Operations of the House (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:

June 4, 2012

A HOUSE RESOLUTION EXPRESSING APPRECIATION TO THE MEMBERS WHO WILL BE LEAVING THE HOUSE OF REPRESENTATIVES AT THE END OF THEIR CURRENT TERMS.

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives extends its deepest gratitude and appreciation to the members who will be leaving this body at the end of their current terms. The dedicated public servants listed below have rendered distinguished service to their districts, this body, and the State of North Carolina and deserve to be recognized for their contributions to the General Assembly:

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Bill Faison – Democrat, 50th District, four terms
Dale R. Folwell – Republican, 74th District, four terms
Phillip Frye – Republican, 85th District, five terms
Joe Hackney – Democrat, 6th District, sixteen terms
R. Phillip Haire – Democrat, 119th District, seven terms
Dewey L. Hill – Democrat, 46th District, ten terms
Mark K. Hilton – Republican, 96th District, six terms
Dan W. Ingle – Republican, 64th District, one and one-half terms
Maggie Jeffus – Democrat, 7th District, ten terms
Carolyn H. Justice – Republican, 16th District, five terms
Patsy Keever – Democrat, 4th District, one and one-half terms
Ric Killian – Republican, 105th District, three terms
Stephen A. LaRoque – Republican, 10th District, three terms
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Edith D. Warren – Democrat, 8th District, seven terms
Trudi Walend – Republican, 113th District, five and one-half terms
Jennifer Weiss – Democrat, 41st District, six and one-half terms
Larry Womble – Democrat, 71st District, nine terms

SECTION 2. This resolution is effective upon adoption.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 236 A BILL TO BE ENTITLED AN ACT TO GIVE PRIORITY TO LOCAL EVENTS AT SPECIFIED PUBLICLY OWNED CONVENTION CENTERS.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill -1.

(FOR JOURNAL USE ONLY)

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

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 236 A BILL TO BE ENTITLED AN ACT TO GIVE PRIORITY TO LOCAL EVENTS AT SPECIFIED PUBLICLY OWNED CONVENTION CENTERS.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

VISITOR REGISTRATION SHEET

RULES

(Committee Name)

JUNE 05, 2012

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dana Favor	City of Charlotte
Pam Myers	NCLM
Heather Barrett	WM
Kara Weishaar	SA
Colleen Kochanek	KLG
CAgy	DOT
Merrill Jernigan	Agr Col Alliance of N. C
	N. Henderson academy
	Moorefield
	Sugarloaf

09-21-201

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE RULES

DATE: JUNE 05, 2012 Room: 1228

*Name: SPENCE HUTCHESON

County: DURHAM

Sponsor: REP. LUEBKE

*Name: WILL HIRBARD

County: DURHAM

Sponsor: REP. OWENS

*Name: RICHARD WETHERILL

County: NEW HANOVER

sor: REP. McCOMAS

*Name:

County:

Sponsor:

*Name:

County:

Sponsor:

House Sgt-At Arms:

1. Name: GARLAND SHEPHEARD
2. Name: BILL BASS
3. Name:
4. Name:
5. Name:
6. Name:

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 13, 2012

The Committee on Rules, Calendar and Operations of the House met on June 13, 2012 at 1:32 p.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore, Chairman; Representative LaRoque, Chairman; Representatives Alexander, Blust, Daughtry, Farmer-Butterfield, Folwell, Hackney, Hilton, Jeffus, Johnson, Luebke, Moffitt, Parmon, Samuelson, Stam, and Stone.

Chairman Moore presided.

The following bills were considered:

HR 932, Honor USO. (Representatives Martin and Killian, Primary Sponsors). Chairman Moore recognized Representative Moffitt who motioned for the PCS to be before the committee. A vote was called and the motion passed. Representative Killian was recognized to explain the bill. There was no discussion or debate on the bill. Representative Moore recognized Representative Moffitt who made a motion that the PCS be given a favorable report and unfavorable to the original bill.

SB 929, Firemen's Relief Fund/Board Membership (Senators Nesbitt and Apodaca, Primary Sponsors) Representative Moore recognized Kory Goldsmith, research staff, to explain the bill. No discussion or debate on the bill. Representative Moffitt motioned for a favorable report. Vote was called and the motion passed.

SB 443, Remove Restriction/LEO Disability Benefits.. (Sen. Stevens, Harrington, and Newton, Primary Sponsors) Representative Moore recognized Representative Alexander who made a motion for the PCS to be before the committee. Vote was called and the motion passed. Representative Moore recognized Kory Goldsmith, research staff to explain the bill. Rep Stam sent forth an amendment. Chairman Moore recognized Representative Stam to explain his amendment. Discussion and debate on the amendment. No vote was called. The bill is to be taken up at next meeting.

Rep. Moore adjourned at 1:48 p.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

m:	Nancy Garriss (Rep. Tim Moore)
t:	Tuesday, June 12, 2012 5:40 PM
To:	Sen. Richard Stevens; Sen. Kathy Harrington; Sen. Buck Newton
Cc:	Mary Marchman (Sen. Stevens); Kolt Ulm (Sen. Kathy Harrington); Blythe Elliott (Sen. Buck Newton)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 06-13-2012 at 1:30 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 13, 2012
ME: 1:30 pm
CATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 443	Remove Restriction/LEO Disability Benefits.	Senator Stevens Senator Harrington Senator Newton

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **5 PM** o'clock on **June 12, 2011.**

Principal Clerk
Reading Clerk – House Chamber

ıncy Garriss (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

m:	Nancy Garriss (Rep. Tim Moore)
it:	Wednesday, June 13, 2012 11:49 AM
To:	Sen. Richard Stevens; Sen. Kathy Harrington; Sen. Buck Newton; Sen. Martin Nesbitt; Sen. Tom Apodaca
Cc:	Mary Marchman (Sen. Stevens); Kolt Ulm (Sen. Kathy Harrington); Blythe Elliott (Sen. Buck Newton); Janette Lee (Sen. Nesbitt); Carolyn Gooden (Sen. Apodaca)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 06-13-2012 at 1:30 pm - CORRECTED

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

AY & DATE: Wednesday, June 13, 2012
IME: 1:30 pm
LOCATION: 1327 LB
COMMENTS: SB 929 added.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 443	Remove Restriction/LEO Disability Benefits.	Senator Stevens Senator Harrington Senator Newton
SB 929	Firemen's Retirement Fund/Board Membership.	Senator Nesbitt Senator Apodaca

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **June 13, 2011.**

incipal Clerk
..eading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Corrected Notice ADDED HR 932

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 13, 2012
TIME: 1:30 pm
LOCATION: 1327 LB
COMMENTS: Bill Added

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 932	Honor NC USO.	Representative Martin Representative Killian
SB 443	Remove Restriction/LEO Disability Benefits.	Senator Stevens Senator Harrington Senator Newton
SB 929	Firemen's Retirement Fund/Board Membership.	Senator Nesbitt Senator Apodaca

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **June 13, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

SENATE BILL 929
Pensions & Retirement and Aging Committee Substitute Adopted 6/6/12

Short Title: Firemen's Relief Fund/Board Membership. (Public)

Sponsors:

Referred to:

May 30, 2012

A BILL TO BE ENTITLED

AN ACT TO REVISE THE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE BOARD OF TRUSTEES OF A FIREMEN'S LOCAL RELIEF FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-84-25(d) reads as rewritten:

"(d) Administration. – These funds shall be held by the treasurer of a fire district as a separate and distinct fund. The fire district shall immediately pay the funds to the treasurer of the local board of trustees upon the treasurer's election and qualification, for the use of the board of trustees of the firemen's local relief fund in each fire district, which board shall be composed of five members, ~~residents of the fire district as hereinafter provided for,~~ to be used by it for the purposes provided in G.S. 58-84-35."

SECTION 2. G.S. 58-84-30 reads as rewritten:

"**§ 58-84-30. Trustees appointed; organization.**

For each county, town or city complying with and deriving benefits from the provisions of this Article, there shall be appointed a local board of trustees, known as the trustees of the Firefighters' Relief Fund, to be composed of five members, two of whom shall be elected by the members of the local fire department ~~or departments~~ who are qualified as beneficiaries of such fund, two of whom shall be elected by the mayor and board of aldermen or other local governing body, and one of whom shall be named by the Commissioner of Insurance. Their selection and term of office shall be as follows:

(1) The members of the fire department shall hold an election each January to elect their representatives to above board. In January 1950, the firefighters shall elect one member to serve for two years and one member to serve for one year, then each year in January thereafter, they shall elect only one member and his term of office shall be for two years. Members elected pursuant to this section shall be either (i) residents of the fire district or (ii) active or retired members of the fire department.

(2) The mayor and board of aldermen or other local governing body shall appoint, in January 1950, two representatives to above board, one to hold office for two years and one to hold office for one year, and each year in January thereafter they shall appoint only one representative and his term of office shall be for two years. Members appointed pursuant to this section shall be residents of the fire district.

(3) The Commissioner of Insurance shall appoint one representative to serve as trustee and he shall serve at the pleasure of the Commissioner. The member

appointed pursuant to this section shall be either (i) a resident of the fire district or (ii) an active or retired member of the fire department.

All of the above trustees shall hold office for their elected or appointed time, or until their successors are elected or appointed, and shall serve without pay for their services. They shall immediately after election and appointment organize by electing from their members a chairman and a secretary and treasurer, which two last positions may be held by the same person. The treasurer of said board of trustees shall give a good and sufficient surety bond in a sum equal to the amount of moneys in his hand, to be approved by the Commissioner of Insurance. The cost of this bond may be deducted by the Insurance Commissioner from the receipts collected pursuant to G.S. 58-84-10 before distribution is made to local relief funds. If the chief or chiefs of the local fire departments are not named on the board of trustees as above provided, then they shall serve as ex officio members without privilege of voting on matters before the board."

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

SENATE BILL 929:
Firemen's Relief Fund/Board Membership

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 13, 2012
Introduced by:	Sens. Nesbitt, Apodaca	**Prepared by:**	Kory Goldsmith
Analysis of:	Second Edition		Committee Counsel

SUMMARY: Senate Bill 929 would amend the residency requirements for the members of the board of trustees of a firefighter's local relief fund in each fire district.

CURRENT LAW: G.S. 58-84-25(d) requires that all five of the members of a local board of trustees of a local Firefighters' Relief Fund, shall be residents of the fire district. They are selected as follows:

- The members of the fire department shall hold an election each January to elect a trustee to the board. The term of office is for two years.
- The mayor and board of alderman or other local governing body each January shall appoint a trustee to the board. The term of office shall be for two years.
- The Commissioner of Insurance shall appoint one representative to serve as a trustee at the pleasure of the Commissioner.

BILL ANALYSIS: Senate Bill 929 makes the following changes to the residency requirements:

- The trustees elected by the fire department shall be either (1) residents of the fire district or (2) active or retired members of the local fire department.
- The trustees appointed by the local governing body shall be residents of the fire district.
- The trustee appointed by the Commissioner of Insurance shall be either a (1) resident of the fire district or (2) active or retired member of the local fire department.

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

BACKGROUND: The Firefighters' Relief Fund was originally established in 1907. The purpose of the Fund is to:

- Safeguard any firemen in active service from financial loss, caused by sickness or injury received while in performance of duties.
- Provide reasonable support for the dependents of a fireman who has lost his life.
- Provide assistance, upon approval by the Secretary of the State Firemen's Association, to a destitute fireman who has served honorably for at least five years.
- Provide for the payment of any fireman's assessment in the Firemen's Fraternal Insurance Fund of the State of North Carolina if the firemen can't pay because of a disability.
- Provide for benefits of supplemental retirement, workers compensation, and other insurance and pension protection for firefighters who otherwise qualify for benefits from the Firefighters' Relief Fund.
- Provide for educational benefits to firemen and their dependents who otherwise qualify for benefits from the Firefighters' Relief Fund.

Sara Kamprath, staff to Senate Pensions and Retirement, substantially contributed to this summary. S929-SMRC-71(e2) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE JOINT RESOLUTION 932
PROPOSED COMMITTEE SUBSTITUTE H932-PCS11373-LG-41

Sponsors:

Referred to:

May 26, 2011

A JOINT RESOLUTION HONORING THE USO OF NORTH CAROLINA FOR PROVIDING EXCEPTIONAL PROGRAMS AND SERVICES TO OUR MILITARY TROOPS AND THEIR FAMILIES.

Whereas, the United Service Organizations (USO) was established in 1941 to provide civilian support for military personnel during World War II; and

Whereas, the first USO facility opened in Fayetteville, North Carolina, in 1941 and was soon followed by other facilities, including one in Jacksonville; and

Whereas, the Jacksonville facility has operated for over 70 years and is the longest continuously operating USO facility in the world; and

Whereas, the Jacksonville USO facility has benefited from the support of many concerned citizens, including Judge Harvey Boney, who supported the facility soon after it opened until his death in 2012; the late William Sheehan, who worked with the facility from 1956 to 1982; and retired Marine Sergeant Major Matthew Hardiman, who served as director of the facility from 1976 to 2000 and was known as "Mr. USO of Jacksonville"; and

Whereas, the USO of North Carolina provides essential services to the many men and women in the military based in our State, which is home to 11% of the U.S. military's active duty forces, seven major military installations, and the fourth largest demographic of active and reserve duty components in the country; and

Whereas, in 2011, the USO of North Carolina served over 407,000 troops in five centers, including three travel-based centers at Charlotte Douglas International Airport, Raleigh-Durham International Airport, and Fayetteville Regional Airport, two installation base centers in Fort Bragg and in Jacksonville/Camp Lejuene, and a mobile unit and information desk at Coastal Carolina Regional Airport in New Bern; and

Whereas, in 2011, an average of 9,000 people each month visited the travel-based centers, which are staffed by volunteers and provide comfortable settings, Internet and phone access, refreshments, play areas for children, and other entertainment options for military personnel and their families; and

Whereas, in 2011, the travel-based centers through their "Honors Support Team" performed over 140 plane-side dignified returns and aided nearly 1,300 family members of fallen service members over the course of that year; and

Whereas, the two installation-based centers serve an average of 50,000 troops and their families, providing assistance with Rack Packs, care packages, deployments, and homecomings and serving as recreation centers; and

Whereas, the USO of North Carolina helps family members stay connected with deployed service members with their "Smiles Over Miles" program, which allows family

members in North Carolina to make videos at the centers and send them to deployed loved ones, and "United Through Reading," which gives service members the opportunity to read a story on video before they are deployed and then have it delivered to their children while they are away; and

Whereas, the USO of North Carolina sponsors other programs, including wounded warrior and family support, surprise birthday cakes for military personnel, seasonal and special programs for the children of deployed service members, holiday meals, and a food pantry for members in need; and

Whereas, the USO of North Carolina is constantly adapting to meet the needs of today's service members and their families, such as providing reading and study skills seminars for parents and children and establishing college campus satellite locations on or near USO facilities to provide resource information and peer-to-peer contacts for military members and their families attending college in our State; and

Whereas, with multiple deployments, financial challenges, mental health issues, nuclear family disruptions, adjustments to injuries, and transitions to civilian life, it is more important than ever that our military personnel receive the benefits and services provided by the USO of North Carolina; and

Whereas, the USO of North Carolina and its more than 700 volunteers should be commended for the outstanding support the organization provides to our service men and women and their families; Now, therefore,

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

SECTION 1. The General Assembly wishes to extend its appreciation to the USO of North Carolina for providing programs and services to our military troops and their families.

SECTION 2. The General Assembly honors the memory of Judge Harvey Boney, who worked and supported the Jacksonville USO since 1940 until his recent death, and William Sheehan, who worked with the Jacksonville USO from 1956 to 1982. The General Assembly also would like to honor retired Marine Sergeant Major Matthew Hardiman, who was Director of the Jacksonville USO for nearly 20 years, serving from 1976 to 2000.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the USO of North Carolina.

SECTION 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE JOINT RESOLUTION 932
PROPOSED COMMITTEE SUBSTITUTE H932-PCS11373-LG-41

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Whereas, the Jacksonville USO facility has benefited from the support of many concerned citizens, including Judge Harvey Boney, who supported the facility soon after it opened until his death in 2012; the late William Sheehan, who worked with the facility from 1956 to 1982; and retired Marine Sergeant Major Matthew Hardiman, who served as director of the facility from 1976 to 2000 and was known as "Mr. USO of Jacksonville"; and

Whereas, the USO of North Carolina provides essential services to the many men and women in the military based in our State, which is home to 11% of the U.S. military's active duty forces, seven major military installations, and the fourth largest demographic of active and reserve duty components in the country; and

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members in North Carolina to make videos at the centers and send them to deployed loved ones, and "United Through Reading," which gives service members the opportunity to read a story on video before they are deployed and then have it delivered to their children while they are away; and

Whereas, the USO of North Carolina sponsors other programs, including wounded warrior and family support, surprise birthday cakes for military personnel, seasonal and special programs for the children of deployed service members, holiday meals, and a food pantry for members in need; and

Whereas, the USO of North Carolina is constantly adapting to meet the needs of today's service members and their families, such as providing reading and study skills seminars for parents and children and establishing college campus satellite locations on or near USO facilities to provide resource information and peer-to-peer contacts for military members and their families attending college in our State; and

Whereas, with multiple deployments, financial challenges, mental health issues, nuclear family disruptions, adjustments to injuries, and transitions to civilian life, it is more important than ever that our military personnel receive the benefits and services provided by the USO of North Carolina; and

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SESSION 2011

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SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the USO of North Carolina.

SECTION 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 443*

Pensions & Retirement and Aging Committee Substitute Adopted 6/8/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S443-CSRC-60 [v.2]

6/13/2012 10:27:35 AM

Short Title: NC Museum of Art Governance Changes. (Public)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE NORTH CAROLINA STATE ART SOCIETY, INC. AND TO CREATE A DIRECTOR'S COMMITTEE TO HIRE AND SUPERVISE THE DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART.

The General Assembly of North Carolina enacts:

PART I. ELIMINATE NORTH CAROLINA STATE ART SOCIETY, INC.

SECTION 1.(a) Effective October 1, 2012, G.S. 105-275(41) is repealed.

SECTION 1.(b) Effective October 1, 2012, G.S. 135-27 reads as rewritten:

"**§ 135-27. Transfers from State to certain association service.**

...

(d) The governing board of any association or organization listed in subsection (a), in its discretion, may elect on or before July 1, 1983, by an appropriate resolution of said board, to cause the employees of such association or organization so employed prior to July 1, 1983, to become members of the Teachers' and State Employees' Retirement System. Such Retirement System coverage shall be conditioned on such association's or organization's paying all of the employer's contributions or matching funds from funds of the association or organization and on such board's collecting from its employees the employees' contributions at such rates as may be fixed by law and by the regulations of the Board of Trustees of the Retirement System, all of such funds to be paid to the Retirement System and placed in the appropriate funds. Retroactive coverage of the employees of any such association or organization may also be effected to the extent that such board requests; provided, the association or organization shall pay all of the employer's contributions or matching funds necessary for such purposes; and, provided further, such association or organization shall collect from its employees all employees' contributions necessary for such purpose, computed at such rates and in such amount as the Board of Trustees of the Retirement System shall determine, all of such funds to be paid to the Retirement System, together with such interest as may be due, and placed in the appropriate funds. The provisions of this subsection shall be fully applicable to the North Carolina Symphony Society, ~~Inc. and the North Carolina State Art Society,~~ Inc.

...."

SECTION 1.(c) Effective October 1, 2012, Article 3 of Chapter 140 of the General Statutes, G.S. 143B-51(7), and Part 15 of Article 2 of Chapter 143B of the General Statutes are repealed.

SECTION 1.(d) Effective October 1, 2012, G.S. 143B-53, as amended by Section 1.4(b) of this act, reads as rewritten:

"**§ 143B-53. Organization of the Department.**

The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the American Revolution Bicentennial Committee, the North Carolina Awards Committee, the North Carolina Arts Council, the Public Librarian Certification Commission, the State Library Commission, the North Carolina Symphony Society, Inc., ~~the North Carolina State Art Society,~~ and the Division of the State Library, the Division of Archives and History, the Division of the Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

SECTION 1.(e). Effective October 1, 2012, G.S. 140-5.13(b) reads as rewritten:

"(b) The Board of Trustees of the North Carolina Museum of Art shall consist of 29 members, chosen as follows:

(1) The Governor shall appoint 13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);

~~(2) The North Carolina State Art Society, Incorporated, shall elect four members;~~

(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members;

(4) The Board of Trustees of the North Carolina Museum of Art shall elect four members;

(5) The General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until ~~his~~ the member's successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All regular appointments by the General Assembly shall be for the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive terms of two years."

PART II. CREATE DIRECTOR'S COMMITTEE

SECTION 2.(a). G.S. 140-5.15 reads as rewritten:

"**§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties; staff.**

(a) The ~~Secretary of Cultural Resources~~ Director's Committee shall ~~appoint~~ elect and supervise the Director of the North Carolina Museum of Art ~~from a list of not fewer than two nominees recommended by the Board of Trustees of the North Carolina Museum of Art.~~ and may dismiss the Director. The Director's Committee shall evaluate the performance of the Director and shall determine the Director's compensation within the limitations of available funding.

~~(b) The Secretary of Cultural Resources may dismiss the Director unless two thirds of the authorized membership of the Board of Trustees shall vote to reverse that action in accordance with the following procedure: Upon dismissal of the Director, the Secretary shall give to the chairman of the Board of Trustees written notice of that action. This notice shall be sent to the chairman of the Board within 10 days after the Secretary makes a final decision on dismissal. The chairman shall promptly communicate the notice of dismissal to all other Board~~

~~members. Board action to consider reversal of the Secretary's decision shall be taken at a regular or special meeting called pursuant to G.S. 140-5.13(h). Reversal of the Secretary's order of dismissal may be effected only by resolution adopted by an affirmative vote of two thirds of the authorized membership of the Board of Trustees at a meeting held within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director. All ex officio members of the Board shall be entitled to vote on this question. The failure of two thirds of the authorized membership of the Board of Trustees to vote to reverse the Secretary's order of dismissal within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director shall be deemed an affirmance of that order by the Board.~~

(b1) The Director's Committee shall consist of 5 members chosen as follows:

(1) The Secretary of Cultural Resources who shall serve as the chairman of the Committee.

(2) The Chair of the Board of Trustees of the North Carolina Museum of Art.

(3) One member designated by the Board of Trustees of the North Carolina Museum of Art.

(4) The President of the Board of Directors of the North Carolina Museum of Art Foundation, Inc., or other designated representative of the Board.

(5) One member designated by the Board of the North Carolina Museum of Art Foundation, Inc.

(b2) The member of the Director's Committee designated by the Board of Trustees of the North Carolina Museum of Art and the member designated by the North Carolina Museum of Art Foundation, Inc. shall each be elected for terms of four years. No person may be elected to more than two consecutive terms of four years. Four members of the Committee shall constitute a quorum for the transaction of business.

(c) The State-funded portion of the salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act.

(d) The Director shall have the following powers and duties:

(1) Under the supervision of the ~~Board of Trustees,~~ Director's Committee, to direct and administer the North Carolina Museum of Art in accordance with the policies, rules, and regulations adopted by the Board of Trustees;

(2) To employ such persons as are necessary to perform the functions of the North Carolina Museum of Art and are provided for in the budget of the Museum and to promote, demote, and dismiss such persons in accordance with State personnel policies, rules, and regulations. This paragraph shall not apply to associate directors and curators;

(3) To serve as director of collections of the North Carolina Museum of Art;

(4) To serve as Secretary to the Board of Trustees.

(e) The Director, associate directors, and curators shall be exempt from the provisions of the State Personnel Act. The Board of Trustees shall adopt, subject to the approval of the Secretary of Cultural Resources, rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators."

SECTION 2.(b). G.S. 140-3.15(g) reads as rewritten:

"(g) The Board of Trustees shall have a chairman, a vice-chairman, and such other officers as the Board deems necessary. The chairman shall be designated by the Governor from among the members of the Board. The vice-chairman shall be elected by and from among the members of the Board. The chairman and vice-chairman shall be chosen for terms of two years or for so long as they are members of the Board, whichever is the shorter period. The Director of the North Carolina Museum of Art shall serve as Secretary to the Board of Trustees and shall attend all ~~meetings, except when the Board is considering issues related to the Director's performance of duties.~~meetings."

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 443*
Pensions & Retirement and Aging Committee Substitute Adopted 6/8/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S443-CSRC-60 [v.2]

6/13/2012 10:27:35 AM

Short Title: NC Museum of Art Governance Changes. (Public)

Sponsors:

Referred to:

March 29, 2011

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"**§ 135-27. Transfers from State to certain association service.**

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(d) The governing board of any association or organization listed in subsection (a), in its discretion, may elect on or before July 1, 1983, by an appropriate resolution of said board, to cause the employees of such association or organization so employed prior to July 1, 1983, to become members of the Teachers' and State Employees' Retirement System. Such Retirement System coverage shall be conditioned on such association's or organization's paying all of the employer's contributions or matching funds from funds of the association or organization and on such board's collecting from its employees the employees' contributions at such rates as may be fixed by law and by the regulations of the Board of Trustees of the Retirement System, all of such funds to be paid to the Retirement System and placed in the appropriate funds. Retroactive coverage of the employees of any such association or organization may also be effected to the extent that such board requests; provided, the association or organization shall pay all of the employer's contributions or matching funds necessary for such purposes; and, provided further, such association or organization shall collect from its employees all employees' contributions necessary for such purpose, computed at such rates and in such amount as the Board of Trustees of the Retirement System shall determine, all of such funds to be paid to the Retirement System, together with such interest as may be due, and placed in the appropriate funds. The provisions of this subsection shall be fully applicable to the North Carolina Symphony Society, ~~Inc. and the North Carolina State Art Society,~~ Inc.

...."

SECTION 1.(c) Effective October 1, 2012, Article 3 of Chapter 140 of the General Statutes, G.S. 143B-51(7), and Part 15 of Article 2 of Chapter 143B of the General Statutes are repealed.

SECTION 1.(d) Effective October 1, 2012, G.S. 143B-53, as amended by Section 1.4(b) of this act, reads as rewritten:

"**§ 143B-53. Organization of the Department.**

The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the American Revolution Bicentennial Committee, the North Carolina Awards Committee, the North Carolina Arts Council, the Public Librarian Certification Commission, the State Library Commission, the North Carolina Symphony Society, Inc., ~~the North Carolina State Art Society,~~ and the Division of the State Library, the Division of Archives and History, the Division of the Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

SECTION 1.(e). Effective October 1, 2012, G.S. 140-5.13(b) reads as rewritten:

"(b) The Board of Trustees of the North Carolina Museum of Art shall consist of 29 members, chosen as follows:

(1) The Governor shall appoint 13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);

~~(2) The North Carolina State Art Society, Incorporated, shall elect four members;~~

(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members;

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(5) The General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until ~~his~~ the member's successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All regular appointments by the General Assembly shall be for the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive terms of two years."

PART II. CREATE DIRECTOR'S COMMITTEE

SECTION 2.(a). G.S. 140-5.15 reads as rewritten:

"**§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties; staff.**

(a) The ~~Secretary of Cultural Resources~~ Director's Committee shall ~~appoint~~ elect and supervise the Director of the North Carolina Museum of Art ~~from a list of not fewer than two nominees recommended by the Board of Trustees of the North Carolina Museum of Art.~~ and may dismiss the Director. The Director's Committee shall evaluate the performance of the Director and shall determine the Director's compensation within the limitations of available funding.

~~(b) The Secretary of Cultural Resources may dismiss the Director unless two-thirds of the authorized membership of the Board of Trustees shall vote to reverse that action in accordance with the following procedure: Upon dismissal of the Director, the Secretary shall give to the chairman of the Board of Trustees written notice of that action. This notice shall be sent to the chairman of the Board within 10 days after the Secretary makes a final decision on dismissal. The chairman shall promptly communicate the notice of dismissal to all other Board~~

~~members. Board action to consider reversal of the Secretary's decision shall be taken at a regular or special meeting called pursuant to G.S. 140-5.13(h). Reversal of the Secretary's order of dismissal may be effected only by resolution adopted by an affirmative vote of two thirds of the authorized membership of the Board of Trustees at a meeting held within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director. All ex officio members of the Board shall be entitled to vote on this question. The failure of two thirds of the authorized membership of the Board of Trustees to vote to reverse the Secretary's order of dismissal within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director shall be deemed an affirmance of that order by the Board.~~

(b1) The Director's Committee shall consist of 5 members chosen as follows:

(1) The Secretary of Cultural Resources who shall serve as the chairman of the Committee.

(2) The Chair of the Board of Trustees of the North Carolina Museum of Art.

(3) One member designated by the Board of Trustees of the North Carolina Museum of Art.

(4) The President of the Board of Directors of the North Carolina Museum of Art Foundation, Inc., or other designated representative of the Board.

(5) One member designated by the Board of the North Carolina Museum of Art Foundation, Inc.

(b2) The member of the Director's Committee designated by the Board of Trustees of the North Carolina Museum of Art and the member designated by the North Carolina Museum of Art Foundation, Inc. shall each be elected for terms of four years. No person may be elected to more than two consecutive terms of four years. Four members of the Committee shall constitute a quorum for the transaction of business.

(c) The State-funded portion of the salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act.

(d) The Director shall have the following powers and duties:

(1) Under the supervision of the ~~Board of Trustees,~~ Director's Committee, to direct and administer the North Carolina Museum of Art in accordance with the policies, rules, and regulations adopted by the Board of Trustees;

(2) To employ such persons as are necessary to perform the functions of the North Carolina Museum of Art and are provided for in the budget of the Museum and to promote, demote, and dismiss such persons in accordance with State personnel policies, rules, and regulations. This paragraph shall not apply to associate directors and curators;

(3) To serve as director of collections of the North Carolina Museum of Art;

(4) To serve as Secretary to the Board of Trustees.

(e) The Director, associate directors, and curators shall be exempt from the provisions of the State Personnel Act. The Board of Trustees shall adopt, subject to the approval of the Secretary of Cultural Resources, rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators."

SECTION 2.(b). G.S. 140-3.15(g) reads as rewritten:

"(g) The Board of Trustees shall have a chairman, a vice-chairman, and such other officers as the Board deems necessary. The chairman shall be designated by the Governor from among the members of the Board. The vice-chairman shall be elected by and from among the members of the Board. The chairman and vice-chairman shall be chosen for terms of two years or for so long as they are members of the Board, whichever is the shorter period. The Director of the North Carolina Museum of Art shall serve as Secretary to the Board of Trustees and shall attend all ~~meetings, except when the Board is considering issues related to the Director's performance of duties.~~meetings."

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 443*

Pensions & Retirement and Aging Committee Substitute Adopted 6/8/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S443-CSRC-60 [v.2]

6/13/2012 10:27:35 AM

Short Title: NC Museum of Art Governance Changes. (Public)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE NORTH CAROLINA STATE ART SOCIETY, INC. AND TO CREATE A DIRECTOR'S COMMITTEE TO HIRE AND SUPERVISE THE DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART.

The General Assembly of North Carolina enacts:

PART I. ELIMINATE NORTH CAROLINA STATE ART SOCIETY, INC.

SECTION 1.(a) Effective October 1, 2012, G.S. 105-275(41) is repealed.

SECTION 1.(b) Effective October 1, 2012, G.S. 135-27 reads as rewritten:

"**§ 135-27. Transfers from State to certain association service.**

...

(d) The governing board of any association or organization listed in subsection (a), in its discretion, may elect on or before July 1, 1983, by an appropriate resolution of said board, to cause the employees of such association or organization so employed prior to July 1, 1983, to become members of the Teachers' and State Employees' Retirement System. Such Retirement System coverage shall be conditioned on such association's or organization's paying all of the employer's contributions or matching funds from funds of the association or organization and on such board's collecting from its employees the employees' contributions at such rates as may be fixed by law and by the regulations of the Board of Trustees of the Retirement System, all of such funds to be paid to the Retirement System and placed in the appropriate funds. Retroactive coverage of the employees of any such association or organization may also be effected to the extent that such board requests; provided, the association or organization shall pay all of the employer's contributions or matching funds necessary for such purposes; and, provided further, such association or organization shall collect from its employees all employees' contributions necessary for such purpose, computed at such rates and in such amount as the Board of Trustees of the Retirement System shall determine, all of such funds to be paid to the Retirement System, together with such interest as may be due, and placed in the appropriate funds. The provisions of this subsection shall be fully applicable to the North Carolina Symphony Society, ~~Inc. and the North Carolina State Art Society,~~ Inc.

...."

SECTION 1.(c) Effective October 1, 2012, Article 3 of Chapter 140 of the General Statutes, G.S. 143B-51(7), and Part 15 of Article 2 of Chapter 143B of the General Statutes are repealed.

SECTION 1.(d) Effective October 1, 2012, G.S. 143B-53, as amended by Section 1.4(b) of this act, reads as rewritten:

"**§ 143B-53. Organization of the Department.**

The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the American Revolution Bicentennial Committee, the North Carolina Awards Committee, the North Carolina Arts Council, the Public Librarian Certification Commission, the State Library Commission, the North Carolina Symphony Society, Inc., ~~the North Carolina State Art Society,~~ and the Division of the State Library, the Division of Archives and History, the Division of the Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

SECTION 1.(e). Effective October 1, 2012, G.S. 140-5.13(b) reads as rewritten:

"(b) The Board of Trustees of the North Carolina Museum of Art shall consist of 29 members, chosen as follows:

(1) The Governor shall appoint 13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);

~~(2) The North Carolina State Art Society, Incorporated, shall elect four members;~~

(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members;

(4) The Board of Trustees of the North Carolina Museum of Art shall elect four members;

(5) The General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until ~~his~~ the member's successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All regular appointments by the General Assembly shall be for the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive terms of two years."

PART II. CREATE DIRECTOR'S COMMITTEE

SECTION 2.(a). G.S. 140-5.15 reads as rewritten:

"**§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties; staff.**

(a) The ~~Secretary of Cultural Resources~~ Director's Committee shall ~~appoint~~ elect and supervise the Director of the North Carolina Museum of Art ~~from a list of not fewer than two nominees recommended by the Board of Trustees of the North Carolina Museum of Art.~~ and may dismiss the Director. The Director's Committee shall evaluate the performance of the Director and shall determine the Director's compensation within the limitations of available funding.

~~(b) The Secretary of Cultural Resources may dismiss the Director unless two thirds of the authorized membership of the Board of Trustees shall vote to reverse that action in accordance with the following procedure: Upon dismissal of the Director, the Secretary shall give to the chairman of the Board of Trustees written notice of that action. This notice shall be sent to the chairman of the Board within 10 days after the Secretary makes a final decision on dismissal. The chairman shall promptly communicate the notice of dismissal to all other Board~~

~~members. Board action to consider reversal of the Secretary's decision shall be taken at a regular or special meeting called pursuant to G.S. 140-5.13(h). Reversal of the Secretary's order of dismissal may be effected only by resolution adopted by an affirmative vote of two thirds of the authorized membership of the Board of Trustees at a meeting held within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director. All ex officio members of the Board shall be entitled to vote on this question. The failure of two thirds of the authorized membership of the Board of Trustees to vote to reverse the Secretary's order of dismissal within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director shall be deemed an affirmance of that order by the Board.~~

(b1) The Director's Committee shall consist of 5 members chosen as follows:

(1) The Secretary of Cultural Resources who shall serve as the chairman of the Committee.

(2) The Chair of the Board of Trustees of the North Carolina Museum of Art.

(3) One member designated by the Board of Trustees of the North Carolina Museum of Art.

(4) The President of the Board of Directors of the North Carolina Museum of Art Foundation, Inc., or other designated representative of the Board.

(5) One member designated by the Board of the North Carolina Museum of Art Foundation, Inc.

(b2) The member of the Director's Committee designated by the Board of Trustees of the North Carolina Museum of Art and the member designated by the North Carolina Museum of Art Foundation, Inc. shall each be elected for terms of four years. No person may be elected to more than two consecutive terms of four years. Four members of the Committee shall constitute a quorum for the transaction of business.

(c) The State-funded portion of the salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act.

(d) The Director shall have the following powers and duties:

(1) Under the supervision of the ~~Board of Trustees,~~ Director's Committee, to direct and administer the North Carolina Museum of Art in accordance with the policies, rules, and regulations adopted by the Board of Trustees;

(2) To employ such persons as are necessary to perform the functions of the North Carolina Museum of Art and are provided for in the budget of the Museum and to promote, demote, and dismiss such persons in accordance with State personnel policies, rules, and regulations. This paragraph shall not apply to associate directors and curators;

(3) To serve as director of collections of the North Carolina Museum of Art;

(4) To serve as Secretary to the Board of Trustees.

(e) The Director, associate directors, and curators shall be exempt from the provisions of the State Personnel Act. The Board of Trustees shall adopt, subject to the approval of the Secretary of Cultural Resources, rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators."

SECTION 2.(b). G.S. 140-3.15(g) reads as rewritten:

"(g) The Board of Trustees shall have a chairman, a vice-chairman, and such other officers as the Board deems necessary. The chairman shall be designated by the Governor from among the members of the Board. The vice-chairman shall be elected by and from among the members of the Board. The chairman and vice-chairman shall be chosen for terms of two years or for so long as they are members of the Board, whichever is the shorter period. The Director of the North Carolina Museum of Art shall serve as Secretary to the Board of Trustees and shall attend all ~~meetings, except when the Board is considering issues related to the Director's performance of duties.~~meetings."

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 443*

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

S443-ARC-61 [v.1]

Comm. Sub. [YES]
Amends Title [YES]
Second Edition443-CSRC-60[v.2]

Date _____,2012

Representative Stam

moves to amend the bill on page 1, line 4, by deleting the line and substituting the following:
"DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART, AND TO AND TO REMOVE THE NORTH CAROLINA CEMETERY COMMISSION FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE AND TO ENDOW THE CEMETERY COMMISSION WITH POWERS SIMILAR TO OCCUPATIONAL LICENSING BOARDS.";

and on page 4, lines 1-2, by deleting the lines and substituting the following:
" **PART III. CHANGES TO CEMETERY COMMISSION**

SECTION 3.(a). G.S. 65-49 reads as rewritten:

"**§ 65-49. The North Carolina Cemetery Commission.**

~~There is hereby established in the Department of Commerce a~~ The North Carolina Cemetery Commission is established with the power and duty to adopt rules and regulations to be followed in the enforcement of this Article."

SECTION 3.(b). G.S. 65-50 reads as rewritten:

"**§ 65-50. Cemetery Commission; members, selection, quorum.**

(a) Membership. – The Cemetery Commission shall consist of nine members. The General Assembly shall appoint two ~~members,~~members who own or manage a cemetery in North Carolina, one of whom shall be recommended by the President Pro Tempore of the Senate and one of whom shall be recommended by the Speaker of the House of Representatives. The Governor shall appoint seven members as follows:

(1) Two members who own or manage cemeteries in North Carolina.
(2) Three members who are selected from six nominees submitted by the North Carolina Cemetery Association.
(3) Two public members who have no financial interest in, and are not involved in management of, any cemetery or funeral related business.

(b) Terms. – Four members of the initial Commission shall be appointed for a term to expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976. At the end of the respective terms of office of the initial members of the Commission, their successors shall be nominated in the same manner, selected from the same categories and appointed for terms of four years and until their successors are appointed and qualified. ~~Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.~~

(b1) Any vacancy shall be filled by the authority originally filling that position, except that any vacancy in appointments by the General Assembly shall be filled in accordance with G.S. 120-122.

(c) Removal. – The appointing authority shall have the power to remove any member of the Commission appointed by that authority from office for misfeasance, malfeasance and nonfeasance according to applicable provisions of law.

(d) Quorum. – A majority of the Commission shall constitute a quorum for the transaction of business.

(e) ~~Chair.~~Officers. – At the first meeting of the Commission held after September 1, 1975, the Commission shall elect one of its members as its ~~chairman~~ chair and another as its ~~vice-chairman,~~vice-chair, both to serve through June 30 of the next following year. Thereafter, at its first meeting held on or after July 1 of each year, the Commission shall elect from its members a ~~chairman and vice-chairman to serve through June 30 of the next following year.~~president, vice president, and secretary-treasurer with no two offices to be held by the same person. All officers shall serve for a term of one year and shall serve until their successors are elected and qualified."

SECTION 3.(c). G.S. 65-51 reads as rewritten:

"**§ 65-51. Principal office.**

The principal office of the Commission shall be in the City of Raleigh, North Carolina. Notice of all regular and special meetings of the Commission shall be advertised 10 or more days in advance in at least three newspapers in North Carolina having inter-county circulation in the State. Each member of the Commission shall receive per diem and allowances in accordance with ~~G.S. 138-5.~~G.S. 93B-5. ~~The administrator~~Members of the ~~Commission,~~Commission and other employees required to attend and legal counsel to the Commission shall be entitled to actual expenses while attending regular or special meetings of the Commission held other than in Raleigh, North Carolina. All salaries, compensation, and expenses of the Commission shall be paid from funds coming to the Commission pursuant to this Article. In no case shall any salary, compensation, or other expense of the Commission be charged against the General Fund."

SECTION 3.(d). G.S. 65-53 reads as rewritten:

"**§ 65-53. Powers.**

In addition to other powers conferred by this Article, the Cemetery Commission shall have the following powers and duties:

~~(1)~~ ~~The administrator shall be appointed by the Governor upon recommendation of the Cemetery Commission. The compensation of the administrator and such other personnel as is necessary to operate the Commission is subject to the provisions of Chapter 126 of the General Statutes of North Carolina. The Commission is authorized and empowered to~~To employ ~~such~~ staff, including legal counsel, as may be ~~necessary.~~necessary to perform its duties and determine the compensation of its employees.

(2) To examine a cemetery company's records when a person applies for a change of control of the company.

(3) Investigate, upon its own initiative or upon a verified complaint in writing, the actions of any person engaged in the business or acting in the capacity of a licensee under this Article. The license of a licensee may be revoked or suspended for a period not exceeding two years, or until compliance with a lawful order imposed in the final order of suspension, or both, where the licensee in performing or attempting to perform any of the acts specified in this Article has been guilty of:

a. Failing to pay the fees required herein;
b. Failing to make any reports required by this Article;
c. Failing to remit to the care and maintenance trust fund, merchandise trust fund, or preconstruction trust fund the required amounts;
d. Making any substantial misrepresentation;
e. Making any false statement of a character likely to influence or persuade;
f. A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen;
g. Violating any provision of this Article or rule promulgated by the Commission; or
h. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(4) ~~In all proceedings under this Article for the revocation or suspension of licenses, the provisions of Chapter 150B of the General Statutes shall be applicable.~~ To hold hearings in accordance with the provisions of this Article and Article 3A of Chapter 150B of the General Statutes to subpoena witnesses and to administer oaths to or receive the affirmation of witnesses before the Commission.

In any show cause hearing before the Commission held under the authority of Article 3A of Chapter 150B of the General Statutes where the Commission imposes discipline against a licensee, the Commission may recover the costs, other than attorneys' fees, of holding the hearing against all respondents jointly, not to exceed two thousand five hundred dollars ($2,500).

(5) ~~At such time as the Commission finds it necessary it may bring an action in the name of the State in the court of the county in which the place of business is located against such person to enjoin such person from engaging in or continuing such violation or doing any act or acts in furtherance thereof.~~ To apply to the courts, in its own name, for injunctive relief to prevent violations of this Article or violations of any rules adopted pursuant to this Article. Any court may grant injunctive relief regardless of whether criminal prosecution or any other action is instituted as a result of the violation. A single violation is sufficient to invoke the injunctive relief under this subdivision. In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper;

provided, that before any such action is brought the Commission shall give the cemetery at least 20 days' notice in writing, stating the alleged violation and giving the cemetery an opportunity within the 20-day period to cure the violation. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, the court shall have the power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this Article through or by means of the use of said property and business. The Commission may institute proceedings against the cemetery or its officers, whereafter an examination, pursuant to this Article, a shortage in the care and maintenance trust fund, merchandise trust fund or mausoleum and belowground crypts preconstruction trust fund is discovered, to recover said shortage.

(6) Whenever any special additional audit or examination of a licensee's premises, facilities, books or records is necessary because of the failure of the licensee to comply with the requirements imposed in this Article or by the rules and regulations of the Commission, to charge a fee based on the cost of the special examination or audit, taking into consideration the salary of any employees involved in the special audit or examination and any expenses incurred.

(7) ~~Promulgate~~ To promulgate rules and regulations requiring licensees to file with the Commission plans and specifications for the minimum quality of any product sold. The sale of any product for which plans and specifications required by the rules and regulations have not been filed or sale of any product of a lesser quality than the plans and specifications filed with the Commission is a violation of this Article.

(8) When the Commission finds that failure by a licensee to maintain a cemetery properly has caused that cemetery to be a public nuisance or a health or safety hazard, the Commission may bring an action for injunctive relief, against the responsible licensee, in the superior court of the county in which the cemetery or any part thereof is located.

(9) To acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and Council of State. Collateral pledged by the Commission for an encumbrance is limited to the assets, incomes, and resources of the Commission.

(10) To purchase, rent, or lease equipment and supplies and purchase liability insurance to cover the activities of the Commission, its operations, or its employees."

SECTION 3.(e). Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"§ 65-53.1. Inspectors.

(a) The Commission may appoint one or more agents who shall serve at the pleasure of the Commission and who shall have the title "Inspector of the North Carolina Cemetery Commission."

(b) To determine compliance with the provisions of this Article and regulations promulgated under this Article, inspectors may do the following:

(1) Enter the office, establishment, or place of business in North Carolina of any cemetery broker, cemetery company, cemetery management organization, cemetery sales organization, or pre-need sales licensee to inspect the records, office, establishment, or facility or to inspect the practice conducted or license of any licensee.

(2) Inspect criminal and probation records of licensees and applicants for licenses under this Article to obtain evidence of their character.

(c) Inspectors may serve papers and subpoenas issued by the Commission or any office or member thereof under authority of this Article and shall perform other duties prescribed or ordered by the Commission.

(d) The Commission may prescribe an inspection form to be used by the inspectors in performing their duties.

(e) Upon request by the Commission, the Attorney General of North Carolina shall provide the inspectors with appropriate identification cards signed by the Attorney General or his or her designated agent. In lieu of identification cards, the Commission may design and issue badges to inspectors."

SECTION 3.(f). Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"**§ 65-54.1. Commission records are confidential.**

Records, papers, and other documents containing information collected or compiled by the Commission, its members, or employees, as a result of a complaint, investigation, inquiry, or interview in connection with an application for license, or in connection with a license holder's professional ethics and conduct, shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Any notice or statement of charges against a license holder or applicant, or any notice to a license holder or applicant of a hearing to be held by the Commission, is a public record even though it may contain information collected and compiled as a result of a complaint, investigation, inquiry, or interview conducted by the Commission. If any record, paper, or other document containing information collected and compiled by the Commission is admitted into evidence in a hearing held by the Commission, it shall then be a public record within the meaning of Chapter 132 of the General Statutes."

SECTION 3.(g). G.S. 143B-433(1) reads as rewritten:

"**§ 143B-433. Department of Commerce – organization.**

The Department of Commerce shall be organized to include:

(1) The following agencies:

a. The North Carolina Alcoholic Beverage Control Commission.

b. The North Carolina Utilities Commission.

c. Repealed by Session Laws 2011-401, s. 1.5, effective November 1, 2011.
d. The North Carolina Industrial Commission.
e. State Banking Commission.
f. Savings Institutions Division.
g. Repealed by Session Laws 2001-193, s. 11, effective July 1, 2001.
h. Credit Union Commission.
i. Repealed by Session Laws 2004-199, s. 27(d), effective August 17, 2004.
j. The North Carolina Mutual Burial Association Commission.
~~k. North Carolina Cemetery Commission.~~
l. The North Carolina Rural Electrification Authority.
m. Repealed by Session Laws 1985, c. 757, s. 179(d).
n. North Carolina Science and Technology Research Center.
o. Repealed by Session Laws 2011-145, s. 14.6(g), effective July 1, 2011.
p. Repealed by Session Laws 2010-180, s. 7(f), effective August 2, 2010.
q. Economic Development Board.
r. Labor Force Development Council.
s., t. Repealed by Session Laws 2000, c. 140, s. 76.(j), effective September 30, 2000.
u. Navigation and Pilotage Commissions established by Chapter 76 of the General Statutes.
v. Repealed by Session Laws 1993, c. 321, s. 313b."

SECTION 3.(h). Section 14.7(a) of S.L. 2011-145 reads as rewritten:

"**SECTION 14.7.(a)** In consultation with the Fiscal Research Division, the Department of Commerce and the ABC Commission, State Banking Commission, Credit Union Division, ~~Cemetery Commission,~~ Utilities Commission, Utilities Commission Public Staff, and the Rural Electrification Authority shall study the following: (i) the types of services provided by the Department of Commerce to each of the agencies during each fiscal year; and (ii) formulas or methods to be used to determine the costs of the services, including the advantages and disadvantages of each formula or method. The Department of Commerce and each of the agencies shall prepare a joint recommendation as to which formula or method to determine the costs of the services should be used. In addition, the Department of Commerce and each of the agencies shall develop a memorandum of understanding that details the services to be provided by the Department of Commerce during each fiscal year.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 443*

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

S443-ARC-61 [v.1]

Comm. Sub. [YES]
Amends Title [YES]
Second Edition443-CSRC-60[v.2]

Date _____,2012

Representative Stam

moves to amend the bill on page 1, line 4, by deleting the line and substituting the following:
"DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART, AND TO AND TO REMOVE THE NORTH CAROLINA CEMETERY COMMISSION FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE AND TO ENDOW THE CEMETERY COMMISSION WITH POWERS SIMILAR TO OCCUPATIONAL LICENSING BOARDS.";

and on page 4, lines 1-2, by deleting the lines and substituting the following:
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SECTION 3.(a). G.S. 65-49 reads as rewritten:

"**§ 65-49. The North Carolina Cemetery Commission.**

~~There is hereby established in the Department of Commerce a~~ The North Carolina Cemetery Commission is established with the power and duty to adopt rules and regulations to be followed in the enforcement of this Article."

SECTION 3.(b). G.S. 65-50 reads as rewritten:

"**§ 65-50. Cemetery Commission; members, selection, quorum.**

(a) Membership. – The Cemetery Commission shall consist of nine members. The General Assembly shall appoint two ~~members,~~members who own or manage a cemetery in North Carolina, one of whom shall be recommended by the President Pro Tempore of the Senate and one of whom shall be recommended by the Speaker of the House of Representatives. The Governor shall appoint seven members as follows:

(1) Two members who own or manage cemeteries in North Carolina.

(2) Three members who are selected from six nominees submitted by the North Carolina Cemetery Association.

(3) Two public members who have no financial interest in, and are not involved in management of, any cemetery or funeral related business.

(b) Terms. – Four members of the initial Commission shall be appointed for a term to expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976. At the end of the respective terms of office of the initial members of the Commission, their successors shall be nominated in the same manner, selected from the same categories and appointed for terms of four years and until their successors are appointed and qualified. ~~Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.~~

(b1) Any vacancy shall be filled by the authority originally filling that position, except that any vacancy in appointments by the General Assembly shall be filled in accordance with G.S. 120-122.

(c) Removal. – The appointing authority shall have the power to remove any member of the Commission appointed by that authority from office for misfeasance, malfeasance and nonfeasance according to applicable provisions of law.

(d) Quorum. – A majority of the Commission shall constitute a quorum for the transaction of business.

(e) ~~Chair.~~Officers. – At the first meeting of the Commission held after September 1, 1975, the Commission shall elect one of its members as its ~~chairman~~ chair and another as its ~~vice-chairman,~~vice-chair, both to serve through June 30 of the next following year. Thereafter, at its first meeting held on or after July 1 of each year, the Commission shall elect from its members a ~~chairman and vice-chairman to serve through June 30 of the next following year.~~president, vice president, and secretary-treasurer with no two offices to be held by the same person. All officers shall serve for a term of one year and shall serve until their successors are elected and qualified."

SECTION 3.(c). G.S. 65-51 reads as rewritten:

"**§ 65-51. Principal office.**

The principal office of the Commission shall be in the City of Raleigh, North Carolina. Notice of all regular and special meetings of the Commission shall be advertised 10 or more days in advance in at least three newspapers in North Carolina having inter-county circulation in the State. Each member of the Commission shall receive per diem and allowances in accordance with ~~G.S. 138-5.~~G.S. 93B-5. ~~The administrator~~Members of the ~~Commission,~~Commission and other employees required to attend and legal counsel to the Commission shall be entitled to actual expenses while attending regular or special meetings of the Commission held other than in Raleigh, North Carolina. All salaries, compensation, and expenses of the Commission shall be paid from funds coming to the Commission pursuant to this Article. In no case shall any salary, compensation, or other expense of the Commission be charged against the General Fund."

SECTION 3.(d). G.S. 65-53 reads as rewritten:

"**§ 65-53. Powers.**

In addition to other powers conferred by this Article, the Cemetery Commission shall have the following powers and duties:

~~(1)~~ ~~The administrator shall be appointed by the Governor upon recommendation of the Cemetery Commission. The compensation of the administrator and such other personnel as is necessary to operate the Commission is subject to the provisions of Chapter 126 of the General Statutes of North Carolina. The Commission is authorized and empowered to~~To employ ~~such~~ staff, including legal counsel, as may be ~~necessary.~~necessary to perform its duties and determine the compensation of its employees.

(2) To examine a cemetery company's records when a person applies for a change of control of the company.

(3) Investigate, upon its own initiative or upon a verified complaint in writing, the actions of any person engaged in the business or acting in the capacity of a licensee under this Article. The license of a licensee may be revoked or suspended for a period not exceeding two years, or until compliance with a lawful order imposed in the final order of suspension, or both, where the licensee in performing or attempting to perform any of the acts specified in this Article has been guilty of:

a. Failing to pay the fees required herein;
b. Failing to make any reports required by this Article;
c. Failing to remit to the care and maintenance trust fund, merchandise trust fund, or preconstruction trust fund the required amounts;
d. Making any substantial misrepresentation;
e. Making any false statement of a character likely to influence or persuade;
f. A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen;
g. Violating any provision of this Article or rule promulgated by the Commission; or
h. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(4) ~~In all proceedings under this Article for the revocation or suspension of licenses, the provisions of Chapter 150B of the General Statutes shall be applicable.~~ To hold hearings in accordance with the provisions of this Article and Article 3A of Chapter 150B of the General Statutes to subpoena witnesses and to administer oaths to or receive the affirmation of witnesses before the Commission.

In any show cause hearing before the Commission held under the authority of Article 3A of Chapter 150B of the General Statutes where the Commission imposes discipline against a licensee, the Commission may recover the costs, other than attorneys' fees, of holding the hearing against all respondents jointly, not to exceed two thousand five hundred dollars ($2,500).

(5) ~~At such time as the Commission finds it necessary it may bring an action in the name of the State in the court of the county in which the place of business is located against such person to enjoin such person from engaging in or continuing such violation or doing any act or acts in furtherance thereof.~~ To apply to the courts, in its own name, for injunctive relief to prevent violations of this Article or violations of any rules adopted pursuant to this Article. Any court may grant injunctive relief regardless of whether criminal prosecution or any other action is instituted as a result of the violation. A single violation is sufficient to invoke the injunctive relief under this subdivision. In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper;

provided, that before any such action is brought the Commission shall give the cemetery at least 20 days' notice in writing, stating the alleged violation and giving the cemetery an opportunity within the 20-day period to cure the violation. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, the court shall have the power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this Article through or by means of the use of said property and business. The Commission may institute proceedings against the cemetery or its officers, whereafter an examination, pursuant to this Article, a shortage in the care and maintenance trust fund, merchandise trust fund or mausoleum and belowground crypts preconstruction trust fund is discovered, to recover said shortage.

(6) Whenever any special additional audit or examination of a licensee's premises, facilities, books or records is necessary because of the failure of the licensee to comply with the requirements imposed in this Article or by the rules and regulations of the Commission, to charge a fee based on the cost of the special examination or audit, taking into consideration the salary of any employees involved in the special audit or examination and any expenses incurred.

(7) ~~Promulgate~~ To promulgate rules and regulations requiring licensees to file with the Commission plans and specifications for the minimum quality of any product sold. The sale of any product for which plans and specifications required by the rules and regulations have not been filed or sale of any product of a lesser quality than the plans and specifications filed with the Commission is a violation of this Article.

(8) When the Commission finds that failure by a licensee to maintain a cemetery properly has caused that cemetery to be a public nuisance or a health or safety hazard, the Commission may bring an action for injunctive relief, against the responsible licensee, in the superior court of the county in which the cemetery or any part thereof is located.

(9) To acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and Council of State. Collateral pledged by the Commission for an encumbrance is limited to the assets, incomes, and resources of the Commission.

(10) To purchase, rent, or lease equipment and supplies and purchase liability insurance to cover the activities of the Commission, its operations, or its employees."

SECTION 3.(e). Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"§ 65-53.1. Inspectors.

(a) The Commission may appoint one or more agents who shall serve at the pleasure of the Commission and who shall have the title "Inspector of the North Carolina Cemetery Commission."

(b) To determine compliance with the provisions of this Article and regulations promulgated under this Article, inspectors may do the following:

(1) Enter the office, establishment, or place of business in North Carolina of any cemetery broker, cemetery company, cemetery management organization, cemetery sales organization, or pre-need sales licensee to inspect the records, office, establishment, or facility or to inspect the practice conducted or license of any licensee.

(2) Inspect criminal and probation records of licensees and applicants for licenses under this Article to obtain evidence of their character.

(c) Inspectors may serve papers and subpoenas issued by the Commission or any office or member thereof under authority of this Article and shall perform other duties prescribed or ordered by the Commission.

(d) The Commission may prescribe an inspection form to be used by the inspectors in performing their duties.

(e) Upon request by the Commission, the Attorney General of North Carolina shall provide the inspectors with appropriate identification cards signed by the Attorney General or his or her designated agent. In lieu of identification cards, the Commission may design and issue badges to inspectors."

SECTION 3.(f). Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"**§ 65-54.1. Commission records are confidential.**

Records, papers, and other documents containing information collected or compiled by the Commission, its members, or employees, as a result of a complaint, investigation, inquiry, or interview in connection with an application for license, or in connection with a license holder's professional ethics and conduct, shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Any notice or statement of charges against a license holder or applicant, or any notice to a license holder or applicant of a hearing to be held by the Commission, is a public record even though it may contain information collected and compiled as a result of a complaint, investigation, inquiry, or interview conducted by the Commission. If any record, paper, or other document containing information collected and compiled by the Commission is admitted into evidence in a hearing held by the Commission, it shall then be a public record within the meaning of Chapter 132 of the General Statutes."

SECTION 3.(g). G.S. 143B-433(1) reads as rewritten:

"**§ 143B-433. Department of Commerce – organization.**

The Department of Commerce shall be organized to include:

(1) The following agencies:

a. The North Carolina Alcoholic Beverage Control Commission.

b. The North Carolina Utilities Commission.

c. Repealed by Session Laws 2011-401, s. 1.5, effective November 1, 2011.
d. The North Carolina Industrial Commission.
e. State Banking Commission.
f. Savings Institutions Division.
g. Repealed by Session Laws 2001-193, s. 11, effective July 1, 2001.
h. Credit Union Commission.
i. Repealed by Session Laws 2004-199, s. 27(d), effective August 17, 2004.
j. The North Carolina Mutual Burial Association Commission.
~~k. North Carolina Cemetery Commission.~~
l. The North Carolina Rural Electrification Authority.
m. Repealed by Session Laws 1985, c. 757, s. 179(d).
n. North Carolina Science and Technology Research Center.
o. Repealed by Session Laws 2011-145, s. 14.6(g), effective July 1, 2011.
p. Repealed by Session Laws 2010-180, s. 7(f), effective August 2, 2010.
q. Economic Development Board.
r. Labor Force Development Council.
s., t. Repealed by Session Laws 2000, c. 140, s. 76.(j), effective September 30, 2000.
u. Navigation and Pilotage Commissions established by Chapter 76 of the General Statutes.
v. Repealed by Session Laws 1993, c. 321, s. 313b."

SECTION 3.(h). Section 14.7(a) of S.L. 2011-145 reads as rewritten:

"**SECTION 14.7.(a)** In consultation with the Fiscal Research Division, the Department of Commerce and the ABC Commission, State Banking Commission, Credit Union Division, ~~Cemetery Commission,~~ Utilities Commission, Utilities Commission Public Staff, and the Rural Electrification Authority shall study the following: (i) the types of services provided by the Department of Commerce to each of the agencies during each fiscal year; and (ii) formulas or methods to be used to determine the costs of the services, including the advantages and disadvantages of each formula or method. The Department of Commerce and each of the agencies shall prepare a joint recommendation as to which formula or method to determine the costs of the services should be used. In addition, the Department of Commerce and each of the agencies shall develop a memorandum of understanding that details the services to be provided by the Department of Commerce during each fiscal year.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.".

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

S443-ARC-61 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 929 A BILL TO BE ENTITLED AN ACT TO REVISE THE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE BOARD OF TRUSTEES OF A FIREMEN'S LOCAL RELIEF FUND.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 932 A HOUSE RESOLUTION HONORING THE USO OF NORTH CAROLINA FOR PROVIDING EXCEPTIONAL PROGRAMS AND SERVICES TO OUR MILITARY TROOPS AND THEIR FAMILIES.

☒ Favorable to committee substitute joint resolution, which changes the title, unfavorable as to original resolution.

(FOR JOURNAL USE ONLY)

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

_____ Pursuant to Rule 36(b), the committee substitute bill/resolution is placed on the Calendar of _____. The original resolution is placed on the Unfavorable Calendar.

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 6-13-12 Room: 1228

*Name: Graham Blossom

County: New Hanover

Sponsor: Danny McComas

*Name: Porter Yelton

County: Cleveland

Sponsor: T. Moore

*Name: William Cheung

County: Alexander

Sponsor: Mark Hollo

*Name: Will Whisnant

County: Cleveland

Sponsor: Tim Moore

*Name:

County:

Sponsor:

House Sgt-At Arms:

1. Name: Carl Mosello
2. Name: Martha Parnell
3. Name:
4. Name:
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

Rules — 6/13/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
K. Bestmann	TSS
J Rogerson	TWC
Elizabeth Robinson	NCRMA
Irving Allen	NCRMA
Ann McLeod	SBE
Becki Gray	John Locke Foundation
Cateri Woodrum	NC Museum of Art
Dana Simpson	SA
Susanna Hailey	K&L Gates
John Tucker	Moore & Van Allen
David Andrews	PTFPAC

VISITOR REGISTRATION SHEET

_____

(Committee Name)

_____

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JOHN MIDGETTE	NCPBA.
Jaime King	NCEL
Lisa Piercey	Magdalen Liggett
Michael F. Muller	Moffitt llb
Danielle Musselwhite	Jason Deans + Assoc
Timothy Cole	DST
Emma Hanson	DST

VISITOR REGISTRATION SHEET

Rules — 6/13/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
L. Steve Thornburg	Cleveland Community College
Allen Langley	Cleveland County Chamber
Stan Lowery	Cleveland County Destination CC
Donald Ragsdale	PEFPNC
Richard O'Brien	PEFPNC
[illegible]	[illegible]
Dave Heron	WM
Daniel Brown	Troutman Sanders
Melanie Sowa	DCR
Kari Barsness	DENR
Kathy Hayes	Duke

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lucius Fuller	Counsel NKCA
David Barnes	PS

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 14, 2012

The Committee on Rules, Calendar and Operations of the House met on June 14, 2012 at 10:05 a.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore, Chairman; Representative LaRoque, Chairman, Representatives Alexander, Blust, Farmer-Butterfield, Folwell, Hackney, Hill, Hilton, Jeffus, Luebke, Moffitt, Saine, Stam, and Stone.

Chairman Moore presided.

The following bill was considered:

SB 443, Remove Restriction/LEO Disability Benefits. (Sen. Stevens, Harrington, and Newton, Primary Sponsors) With the PCS still before the committee, Representative Moore recognized Representative LaRoque who made a motion for an amendment(1) to the PCS. Vote was called and amendment passed. Representative Stam made a motion for an amendment (2) to the PCS. Discussion and debate on the amendment. Representative Moore recognized Representative Stam to send forth an amendment (3) to amendment (2). Vote was called on amendment (3) and the motion passed. Representative Moore recognized Representative Stam who made a motion for a vote on amendment (2). Vote was called and amendment (2) passed. Representative Moore recognized representative Stone who made a motion for a favorable report to the PCS as amended, unfavorable to the original bill. The amendments are to be rolled into the PCS. Vote was called and the motion passed.

Representative Moore adjourned at 10:35 a.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

m:	Nancy Garriss (Rep. Tim Moore)
Sent:	Wednesday, June 13, 2012 6:30 PM
To:	Sen. Richard Stevens; Sen. Kathy Harrington; Sen. Buck Newton
Cc:	Mary Marchman (Sen. Stevens); Kolt Ulm (Sen. Kathy Harrington); Blythe Elliott (Sen. Buck Newton)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thu, 06-14-2012 at 10:30 a.m.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 14, 2012
TIME: 10:30 a.m.
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 443	Remove Restriction/LEO Disability Benefits.	Senator Stevens Senator Harrington Senator Newton

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **6 PM** o'clock on **June 13, 2011.**

Principal Clerk
Reading Clerk – House Chamber

ıncy Garriss (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

m:	Nancy Garriss (Rep. Tim Moore)
t:	Wednesday, June 13, 2012 6:43 PM
To:	Sen. Richard Stevens; Sen. Kathy Harrington; Sen. Buck Newton
Cc:	Mary Marchman (Sen. Stevens); Kolt Ulm (Sen. Kathy Harrington); Blythe Elliott (Sen. Buck Newton)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thu, 06-14-2012 at 10:00 a.m. - CORRECTED

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

Y & DATE: Thursday, June 14, 2012
ME: 10:00 a.m.
LOCATION: 1327 LB
COMMENTS: Time changed to 10:00 a.m.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 443	Remove Restriction/LEO Disability Benefits.	Senator Stevens Senator Harrington Senator Newton

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **6 PM** o'clock on **June 13, 2011.**

Principal Clerk
Reading Clerk – House Chamber

ncy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 443*
Pensions & Retirement and Aging Committee Substitute Adopted 6/8/11

Short Title: Remove Restriction/LEO Disability Benefits. (Public)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES INCURRED IN THE LINE OF DUTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 128-27(c) reads as rewritten:

"(c) Disability Retirement Benefits. – Upon the application of a member or of his employer, any member who has had five or more years of creditable service may be retired by the Board of Trustees, on the first day of any calendar month, not less than one day nor more than 120 days next following the date of filing such application, on a disability retirement allowance: Provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent, and that such member should be retired; Provided further the medical board shall determine if the member is able to engage in gainful employment and, if so, the member may still be retired and the disability retirement allowance as a result thereof shall be reduced as in subsection (e) below. Provided further, that the Medical Board shall not certify any member as disabled who:

(1) Applies for disability retirement based upon a mental or physical incapacity which existed when the member first established membership in the system; or

(2) Is in receipt of any payments on account of the same disability which existed when the member first established membership in the system.

The Board of Trustees shall require each employee upon enrolling in the retirement system to provide information on the membership application concerning any mental or physical incapacities existing at the time the member enrolls.

Notwithstanding the requirement of five or more years of creditable service to the contrary, a member who is a law enforcement officer and becomes incapacitated for duty as the natural and proximate result of injuries incurred while in the actual performance of duty and meets all other requirements for disability retirement benefits may be retired by the Board of Trustees on a disability retirement allowance.

Notwithstanding the requirement of five or more years of creditable service to the contrary, a member who is ~~a law enforcement officer or~~ a fireman as defined in G.S. 58-86-25 or rescue squad worker as defined in G.S. 58-86-30 and who has had one year or more of creditable

service and becomes incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty, and meets all other requirements for disability retirement benefits, may be retired by the Board of Trustees on a disability retirement allowance.

Notwithstanding the foregoing to the contrary, any beneficiary who commenced retirement with an early or service retirement benefit has the right, within three years of his retirement, to convert to an allowance with disability retirement benefits without modification of any election of optional allowance previously made; provided, the beneficiary would have met all applicable requirements for disability retirement benefits while still in service as a member. The allowance on account of disability retirement benefits to the beneficiary shall be retroactive to the effective date of early or service retirement.

Notwithstanding the foregoing, effective April 1, 1991, the surviving designated beneficiary of a deceased member who met all other requirements for disability retirement benefits, except whose death occurred before the first day of the calendar month in which the member's disability retirement allowance was to be due and payable, may elect to receive the reduced retirement allowance provided by a one hundred percent (100%) joint and survivor payment option in lieu of a return of accumulated contributions, provided the following conditions apply:

(1) The member had designated as the principal beneficiary, to receive a return of accumulated contributions at the time of his death, one and only one person, and

(2) The member had not instructed the Board of Trustees in writing that he did not wish the provision of this subsection to apply."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 443*

Pensions & Retirement and Aging Committee Substitute Adopted 6/8/11

Short Title: Remove Restriction/LEO Disability Benefits. (Public)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES INCURRED IN THE LINE OF DUTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 128-27(c) reads as rewritten:

"(c) Disability Retirement Benefits. – Upon the application of a member or of his employer, any member who has had five or more years of creditable service may be retired by the Board of Trustees, on the first day of any calendar month, not less than one day nor more than 120 days next following the date of filing such application, on a disability retirement allowance: Provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent, and that such member should be retired; Provided further the medical board shall determine if the member is able to engage in gainful employment and, if so, the member may still be retired and the disability retirement allowance as a result thereof shall be reduced as in subsection (e) below. Provided further, that the Medical Board shall not certify any member as disabled who:

(1) Applies for disability retirement based upon a mental or physical incapacity which existed when the member first established membership in the system; or

(2) Is in receipt of any payments on account of the same disability which existed when the member first established membership in the system.

The Board of Trustees shall require each employee upon enrolling in the retirement system to provide information on the membership application concerning any mental or physical incapacities existing at the time the member enrolls.

Notwithstanding the requirement of five or more years of creditable service to the contrary, a member who is a law enforcement officer and becomes incapacitated for duty as the natural and proximate result of injuries incurred while in the actual performance of duty and meets all other requirements for disability retirement benefits may be retired by the Board of Trustees on a disability retirement allowance.

Notwithstanding the requirement of five or more years of creditable service to the contrary, a member who is ~~a law enforcement officer or~~ a fireman as defined in G.S. 58-86-25 or rescue squad worker as defined in G.S. 58-86-30 and who has had one year or more of creditable

service and becomes incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty, and meets all other requirements for disability retirement benefits, may be retired by the Board of Trustees on a disability retirement allowance.

Notwithstanding the foregoing to the contrary, any beneficiary who commenced retirement with an early or service retirement benefit has the right, within three years of his retirement, to convert to an allowance with disability retirement benefits without modification of any election of optional allowance previously made; provided, the beneficiary would have met all applicable requirements for disability retirement benefits while still in service as a member. The allowance on account of disability retirement benefits to the beneficiary shall be retroactive to the effective date of early or service retirement.

Notwithstanding the foregoing, effective April 1, 1991, the surviving designated beneficiary of a deceased member who met all other requirements for disability retirement benefits, except whose death occurred before the first day of the calendar month in which the member's disability retirement allowance was to be due and payable, may elect to receive the reduced retirement allowance provided by a one hundred percent (100%) joint and survivor payment option in lieu of a return of accumulated contributions, provided the following conditions apply:

(1) The member had designated as the principal beneficiary, to receive a return of accumulated contributions at the time of his death, one and only one person, and

(2) The member had not instructed the Board of Trustees in writing that he did not wish the provision of this subsection to apply."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 443*
Pensions & Retirement and Aging Committee Substitute Adopted 6/8/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S443-CSRC-60 [v.2]

6/13/2012 10:27:35 AM

Short Title: NC Museum of Art Governance Changes. (Public)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE NORTH CAROLINA STATE ART SOCIETY, INC. AND TO CREATE A DIRECTOR'S COMMITTEE TO HIRE AND SUPERVISE THE DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART.

The General Assembly of North Carolina enacts:

PART I. ELIMINATE NORTH CAROLINA STATE ART SOCIETY, INC.

SECTION 1.(a) Effective October 1, 2012, G.S. 105-275(41) is repealed.

SECTION 1.(b) Effective October 1, 2012, G.S. 135-27 reads as rewritten:

"**§ 135-27. Transfers from State to certain association service.**

...

(d) The governing board of any association or organization listed in subsection (a), in its discretion, may elect on or before July 1, 1983, by an appropriate resolution of said board, to cause the employees of such association or organization so employed prior to July 1, 1983, to become members of the Teachers' and State Employees' Retirement System. Such Retirement System coverage shall be conditioned on such association's or organization's paying all of the employer's contributions or matching funds from funds of the association or organization and on such board's collecting from its employees the employees' contributions at such rates as may be fixed by law and by the regulations of the Board of Trustees of the Retirement System, all of such funds to be paid to the Retirement System and placed in the appropriate funds. Retroactive coverage of the employees of any such association or organization may also be effected to the extent that such board requests; provided, the association or organization shall pay all of the employer's contributions or matching funds necessary for such purposes; and, provided further, such association or organization shall collect from its employees all employees' contributions necessary for such purpose, computed at such rates and in such amount as the Board of Trustees of the Retirement System shall determine, all of such funds to be paid to the Retirement System, together with such interest as may be due, and placed in the appropriate funds. The provisions of this subsection shall be fully applicable to the North Carolina Symphony Society, ~~Inc. and the North Carolina State Art Society,~~ Inc.

...."

SECTION 1.(c) Effective October 1, 2012, Article 3 of Chapter 140 of the General Statutes, G.S. 143B-51(7), and Part 15 of Article 2 of Chapter 143B of the General Statutes are repealed.

SECTION 1.(d) Effective October 1, 2012, G.S. 143B-53, as amended by Section 1.4(b) of this act, reads as rewritten:

"**§ 143B-53. Organization of the Department.**

The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the American Revolution Bicentennial Committee, the North Carolina Awards Committee, the North Carolina Arts Council, the Public Librarian Certification Commission, the State Library Commission, the North Carolina Symphony Society, Inc., ~~the North Carolina State Art Society,~~ and the Division of the State Library, the Division of Archives and History, the Division of the Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

SECTION 1.(e). Effective October 1, 2012, G.S. 140-5.13(b) reads as rewritten:

"(b) The Board of Trustees of the North Carolina Museum of Art shall consist of 29 members, chosen as follows:

(1) The Governor shall appoint 13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);

~~(2) The North Carolina State Art Society, Incorporated, shall elect four members;~~

(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members;

(4) The Board of Trustees of the North Carolina Museum of Art shall elect four members;

(5) The General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until ~~his~~ the member's successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All regular appointments by the General Assembly shall be for the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive terms of two years."

PART II. CREATE DIRECTOR'S COMMITTEE

SECTION 2.(a). G.S. 140-5.15 reads as rewritten:

"**§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties; staff.**

(a) The ~~Secretary of Cultural Resources~~ Director's Committee shall ~~appoint~~ elect and supervise the Director of the North Carolina Museum of Art ~~from a list of not fewer than two nominees recommended by the Board of Trustees of the North Carolina Museum of Art.~~ and may dismiss the Director. The Director's Committee shall evaluate the performance of the Director and shall determine the Director's compensation within the limitations of available funding.

~~(b) The Secretary of Cultural Resources may dismiss the Director unless two thirds of the authorized membership of the Board of Trustees shall vote to reverse that action in accordance with the following procedure: Upon dismissal of the Director, the Secretary shall give to the chairman of the Board of Trustees written notice of that action. This notice shall be sent to the chairman of the Board within 10 days after the Secretary makes a final decision on dismissal. The chairman shall promptly communicate the notice of dismissal to all other Board~~

~~members. Board action to consider reversal of the Secretary's decision shall be taken at a regular or special meeting called pursuant to G.S. 140-5.13(h). Reversal of the Secretary's order of dismissal may be effected only by resolution adopted by an affirmative vote of two thirds of the authorized membership of the Board of Trustees at a meeting held within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director. All ex officio members of the Board shall be entitled to vote on this question. The failure of two thirds of the authorized membership of the Board of Trustees to vote to reverse the Secretary's order of dismissal within 30 days after the chairman of the Board receives from the Secretary written notice of dismissal of the Director shall be deemed an affirmance of that order by the Board.~~

(b1) The Director's Committee shall consist of 5 members chosen as follows:

(1) The Secretary of Cultural Resources who shall serve as the chairman of the Committee.

(2) The Chair of the Board of Trustees of the North Carolina Museum of Art.

(3) One member designated by the Board of Trustees of the North Carolina Museum of Art.

(4) The President of the Board of Directors of the North Carolina Museum of Art Foundation, Inc., or other designated representative of the Board.

(5) One member designated by the Board of the North Carolina Museum of Art Foundation, Inc.

(b2) The member of the Director's Committee designated by the Board of Trustees of the North Carolina Museum of Art and the member designated by the North Carolina Museum of Art Foundation, Inc. shall each be elected for terms of four years. No person may be elected to more than two consecutive terms of four years. Four members of the Committee shall constitute a quorum for the transaction of business.

(c) The State-funded portion of the salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act.

(d) The Director shall have the following powers and duties:

(1) Under the supervision of the ~~Board of Trustees,~~ Director's Committee, to direct and administer the North Carolina Museum of Art in accordance with the policies, rules, and regulations adopted by the Board of Trustees;

(2) To employ such persons as are necessary to perform the functions of the North Carolina Museum of Art and are provided for in the budget of the Museum and to promote, demote, and dismiss such persons in accordance with State personnel policies, rules, and regulations. This paragraph shall not apply to associate directors and curators;

(3) To serve as director of collections of the North Carolina Museum of Art;

(4) To serve as Secretary to the Board of Trustees.

(e) The Director, associate directors, and curators shall be exempt from the provisions of the State Personnel Act. The Board of Trustees shall adopt, subject to the approval of the Secretary of Cultural Resources, rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators."

SECTION 2.(b). G.S. 140-3.15(g) reads as rewritten:

"(g) The Board of Trustees shall have a chairman, a vice-chairman, and such other officers as the Board deems necessary. The chairman shall be designated by the Governor from among the members of the Board. The vice-chairman shall be elected by and from among the members of the Board. The chairman and vice-chairman shall be chosen for terms of two years or for so long as they are members of the Board, whichever is the shorter period. The Director of the North Carolina Museum of Art shall serve as Secretary to the Board of Trustees and shall attend all ~~meetings, except when the Board is considering issues related to the Director's performance of duties.~~meetings."

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 443*

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

S443-ARC-61 [v.1]

Comm. Sub. [YES]
Amends Title [YES]
Second Edition443-CSRC-60[v.2]

Date _____,2012

Representative Stam

moves to amend the bill on page 1, line 4, by deleting the line and substituting the following:
"DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART, AND TO AND TO REMOVE THE NORTH CAROLINA CEMETERY COMMISSION FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE AND TO ENDOW THE CEMETERY COMMISSION WITH POWERS SIMILAR TO OCCUPATIONAL LICENSING BOARDS.";

and on page 4, lines 1-2, by deleting the lines and substituting the following:
" **PART III. CHANGES TO CEMETERY COMMISSION**

SECTION 3.(a). G.S. 65-49 reads as rewritten:

"**§ 65-49. The North Carolina Cemetery Commission.**

~~There is hereby established in the Department of Commerce a~~ The North Carolina Cemetery Commission is established with the power and duty to adopt rules and regulations to be followed in the enforcement of this Article."

SECTION 3.(b). G.S. 65-50 reads as rewritten:

"**§ 65-50. Cemetery Commission; members, selection, quorum.**

(a) Membership. – The Cemetery Commission shall consist of nine members. The General Assembly shall appoint two ~~members,~~members who own or manage a cemetery in North Carolina, one of whom shall be recommended by the President Pro Tempore of the Senate and one of whom shall be recommended by the Speaker of the House of Representatives. The Governor shall appoint seven members as follows:

(1) Two members who own or manage cemeteries in North Carolina.
(2) Three members who are selected from six nominees submitted by the North Carolina Cemetery Association.
(3) Two public members who have no financial interest in, and are not involved in management of, any cemetery or funeral related business.

(b) Terms. – Four members of the initial Commission shall be appointed for a term to expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976. At the end of the respective terms of office of the initial members of the Commission, their successors shall be nominated in the same manner, selected from the same categories and appointed for terms of four years and until their successors are appointed and qualified. ~~Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.~~

(b1) Any vacancy shall be filled by the authority originally filling that position, except that any vacancy in appointments by the General Assembly shall be filled in accordance with G.S. 120-122.

(c) Removal. – The appointing authority shall have the power to remove any member of the Commission appointed by that authority from office for misfeasance, malfeasance and nonfeasance according to applicable provisions of law.

(d) Quorum. – A majority of the Commission shall constitute a quorum for the transaction of business.

(e) ~~Chair.~~Officers. – At the first meeting of the Commission held after September 1, 1975, the Commission shall elect one of its members as its ~~chairman~~ chair and another as its ~~vice-chairman,~~vice-chair, both to serve through June 30 of the next following year. Thereafter, at its first meeting held on or after July 1 of each year, the Commission shall elect from its members a ~~chairman and vice-chairman to serve through June 30 of the next following year.~~president, vice president, and secretary-treasurer with no two offices to be held by the same person. All officers shall serve for a term of one year and shall serve until their successors are elected and qualified."

SECTION 3.(c). G.S. 65-51 reads as rewritten:

"**§ 65-51. Principal office.**

The principal office of the Commission shall be in the City of Raleigh, North Carolina. Notice of all regular and special meetings of the Commission shall be advertised 10 or more days in advance in at least three newspapers in North Carolina having inter-county circulation in the State. Each member of the Commission shall receive per diem and allowances in accordance with ~~G.S. 138-5.~~G.S. 93B-5. ~~The administrator~~Members of the ~~Commission,~~Commission and other employees required to attend and legal counsel to the Commission shall be entitled to actual expenses while attending regular or special meetings of the Commission held other than in Raleigh, North Carolina. All salaries, compensation, and expenses of the Commission shall be paid from funds coming to the Commission pursuant to this Article. In no case shall any salary, compensation, or other expense of the Commission be charged against the General Fund."

SECTION 3.(d). G.S. 65-53 reads as rewritten:

"**§ 65-53. Powers.**

In addition to other powers conferred by this Article, the Cemetery Commission shall have the following powers and duties:

~~(1)~~ ~~The administrator shall be appointed by the Governor upon recommendation of the Cemetery Commission. The compensation of the administrator and such other personnel as is necessary to operate the Commission is subject to the provisions of Chapter 126 of the General Statutes of North Carolina. The Commission is authorized and empowered to~~To employ ~~such~~ staff, including legal counsel, as may be ~~necessary.~~necessary to perform its duties and determine the compensation of its employees.

(2) To examine a cemetery company's records when a person applies for a change of control of the company.

(3) Investigate, upon its own initiative or upon a verified complaint in writing, the actions of any person engaged in the business or acting in the capacity of a licensee under this Article. The license of a licensee may be revoked or suspended for a period not exceeding two years, or until compliance with a lawful order imposed in the final order of suspension, or both, where the licensee in performing or attempting to perform any of the acts specified in this Article has been guilty of:

a. Failing to pay the fees required herein;
b. Failing to make any reports required by this Article;
c. Failing to remit to the care and maintenance trust fund, merchandise trust fund, or preconstruction trust fund the required amounts;
d. Making any substantial misrepresentation;
e. Making any false statement of a character likely to influence or persuade;
f. A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen;
g. Violating any provision of this Article or rule promulgated by the Commission; or
h. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(4) ~~In all proceedings under this Article for the revocation or suspension of licenses, the provisions of Chapter 150B of the General Statutes shall be applicable.~~ To hold hearings in accordance with the provisions of this Article and Article 3A of Chapter 150B of the General Statutes to subpoena witnesses and to administer oaths to or receive the affirmation of witnesses before the Commission.

In any show cause hearing before the Commission held under the authority of Article 3A of Chapter 150B of the General Statutes where the Commission imposes discipline against a licensee, the Commission may recover the costs, other than attorneys' fees, of holding the hearing against all respondents jointly, not to exceed two thousand five hundred dollars ($2,500).

(5) ~~At such time as the Commission finds it necessary it may bring an action in the name of the State in the court of the county in which the place of business is located against such person to enjoin such person from engaging in or continuing such violation or doing any act or acts in furtherance thereof.~~ To apply to the courts, in its own name, for injunctive relief to prevent violations of this Article or violations of any rules adopted pursuant to this Article. Any court may grant injunctive relief regardless of whether criminal prosecution or any other action is instituted as a result of the violation. A single violation is sufficient to invoke the injunctive relief under this subdivision. In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper;

provided, that before any such action is brought the Commission shall give the cemetery at least 20 days' notice in writing, stating the alleged violation and giving the cemetery an opportunity within the 20-day period to cure the violation. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, the court shall have the power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this Article through or by means of the use of said property and business. The Commission may institute proceedings against the cemetery or its officers, whereafter an examination, pursuant to this Article, a shortage in the care and maintenance trust fund, merchandise trust fund or mausoleum and belowground crypts preconstruction trust fund is discovered, to recover said shortage.

(6) Whenever any special additional audit or examination of a licensee's premises, facilities, books or records is necessary because of the failure of the licensee to comply with the requirements imposed in this Article or by the rules and regulations of the Commission, to charge a fee based on the cost of the special examination or audit, taking into consideration the salary of any employees involved in the special audit or examination and any expenses incurred.

(7) ~~Promulgate~~ To promulgate rules and regulations requiring licensees to file with the Commission plans and specifications for the minimum quality of any product sold. The sale of any product for which plans and specifications required by the rules and regulations have not been filed or sale of any product of a lesser quality than the plans and specifications filed with the Commission is a violation of this Article.

(8) When the Commission finds that failure by a licensee to maintain a cemetery properly has caused that cemetery to be a public nuisance or a health or safety hazard, the Commission may bring an action for injunctive relief, against the responsible licensee, in the superior court of the county in which the cemetery or any part thereof is located.

(9) To acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and Council of State. Collateral pledged by the Commission for an encumbrance is limited to the assets, incomes, and resources of the Commission.

(10) To purchase, rent, or lease equipment and supplies and purchase liability insurance to cover the activities of the Commission, its operations, or its employees."

SECTION 3.(e). Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"§ 65-53.1. Inspectors.

(a) The Commission may appoint one or more agents who shall serve at the pleasure of the Commission and who shall have the title "Inspector of the North Carolina Cemetery Commission."

(b) To determine compliance with the provisions of this Article and regulations promulgated under this Article, inspectors may do the following:

(1) Enter the office, establishment, or place of business in North Carolina of any cemetery broker, cemetery company, cemetery management organization, cemetery sales organization, or pre-need sales licensee to inspect the records, office, establishment, or facility or to inspect the practice conducted or license of any licensee.

(2) Inspect criminal and probation records of licensees and applicants for licenses under this Article to obtain evidence of their character.

(c) Inspectors may serve papers and subpoenas issued by the Commission or any office or member thereof under authority of this Article and shall perform other duties prescribed or ordered by the Commission.

(d) The Commission may prescribe an inspection form to be used by the inspectors in performing their duties.

(e) Upon request by the Commission, the Attorney General of North Carolina shall provide the inspectors with appropriate identification cards signed by the Attorney General or his or her designated agent. In lieu of identification cards, the Commission may design and issue badges to inspectors."

SECTION 3.(f). Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"**§ 65-54.1. Commission records are confidential.**

Records, papers, and other documents containing information collected or compiled by the Commission, its members, or employees, as a result of a complaint, investigation, inquiry, or interview in connection with an application for license, or in connection with a license holder's professional ethics and conduct, shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Any notice or statement of charges against a license holder or applicant, or any notice to a license holder or applicant of a hearing to be held by the Commission, is a public record even though it may contain information collected and compiled as a result of a complaint, investigation, inquiry, or interview conducted by the Commission. If any record, paper, or other document containing information collected and compiled by the Commission is admitted into evidence in a hearing held by the Commission, it shall then be a public record within the meaning of Chapter 132 of the General Statutes."

SECTION 3.(g). G.S. 143B-433(1) reads as rewritten:

"**§ 143B-433. Department of Commerce – organization.**

The Department of Commerce shall be organized to include:

(1) The following agencies:

a. The North Carolina Alcoholic Beverage Control Commission.

b. The North Carolina Utilities Commission.

c. Repealed by Session Laws 2011-401, s. 1.5, effective November 1, 2011.
d. The North Carolina Industrial Commission.
e. State Banking Commission.
f. Savings Institutions Division.
g. Repealed by Session Laws 2001-193, s. 11, effective July 1, 2001.
h. Credit Union Commission.
i. Repealed by Session Laws 2004-199, s. 27(d), effective August 17, 2004.
j. The North Carolina Mutual Burial Association Commission.
~~k. North Carolina Cemetery Commission.~~
l. The North Carolina Rural Electrification Authority.
m. Repealed by Session Laws 1985, c. 757, s. 179(d).
n. North Carolina Science and Technology Research Center.
o. Repealed by Session Laws 2011-145, s. 14.6(g), effective July 1, 2011.
p. Repealed by Session Laws 2010-180, s. 7(f), effective August 2, 2010.
q. Economic Development Board.
r. Labor Force Development Council.
s., t. Repealed by Session Laws 2000, c. 140, s. 76.(j), effective September 30, 2000.
u. Navigation and Pilotage Commissions established by Chapter 76 of the General Statutes.
v. Repealed by Session Laws 1993, c. 321, s. 313b."

SECTION 3.(h). Section 14.7(a) of S.L. 2011-145 reads as rewritten:

"**SECTION 14.7.(a)** In consultation with the Fiscal Research Division, the Department of Commerce and the ABC Commission, State Banking Commission, Credit Union Division, ~~Cemetery Commission,~~ Utilities Commission, Utilities Commission Public Staff, and the Rural Electrification Authority shall study the following: (i) the types of services provided by the Department of Commerce to each of the agencies during each fiscal year; and (ii) formulas or methods to be used to determine the costs of the services, including the advantages and disadvantages of each formula or method. The Department of Commerce and each of the agencies shall prepare a joint recommendation as to which formula or method to determine the costs of the services should be used. In addition, the Department of Commerce and each of the agencies shall develop a memorandum of understanding that details the services to be provided by the Department of Commerce during each fiscal year.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 443*

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

S443-ARC-61 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 6/13/2012

S. B. No. 443 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.)
Sen.)

1 moves to amend the bill on page 2, line 15

2 ( ) WHICH CHANGES THE TITLE

3 by deleting the number "24" and

4 substituting "25".

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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. SB 443 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Kinnard Stan
(Sen.)

amendment on page 1

moves to amend the ~~bill on page~~ _____, line 17

( ) WHICH CHANGES THE TITLE

by inserting the following after the word "manage":

"manage" or has retired from owning or managing".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 443*

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

S443-ARC-61 [v.1]

Comm. Sub. [YES]
Amends Title [YES]
Second Edition443-CSRC-60[v.2]

Date _____,2012

Representative Stam

moves to amend the bill on page 1, line 4, by deleting the line and substituting the following:
"DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART, AND TO AND TO REMOVE THE NORTH CAROLINA CEMETERY COMMISSION FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE AND TO ENDOW THE CEMETERY COMMISSION WITH POWERS SIMILAR TO OCCUPATIONAL LICENSING BOARDS.";

and on page 4, lines 1-2, by deleting the lines and substituting the following:
" **PART III. CHANGES TO CEMETERY COMMISSION**

SECTION 3.(a). G.S. 65-49 reads as rewritten:

"**§ 65-49. The North Carolina Cemetery Commission.**

~~There is hereby established in the Department of Commerce a~~ The North Carolina Cemetery Commission is established with the power and duty to adopt rules and regulations to be followed in the enforcement of this Article."

SECTION 3.(b). G.S. 65-50 reads as rewritten:

"**§ 65-50. Cemetery Commission; members, selection, quorum.**

(a) Membership. – The Cemetery Commission shall consist of nine members. The General Assembly shall appoint two ~~members,~~members who own or manage a cemetery in North Carolina, one of whom shall be recommended by the President Pro Tempore of the Senate and one of whom shall be recommended by the Speaker of the House of Representatives. The Governor shall appoint seven members as follows:

(1) Two members who own or manage cemeteries in North Carolina.
(2) Three members who are selected from six nominees submitted by the North Carolina Cemetery Association.
(3) Two public members who have no financial interest in, and are not involved in management of, any cemetery or funeral related business.

(b) Terms. – Four members of the initial Commission shall be appointed for a term to expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976. At the end of the respective terms of office of the initial members of the Commission, their successors shall be nominated in the same manner, selected from the same categories and appointed for terms of four years and until their successors are appointed and qualified. ~~Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.~~

(b1) Any vacancy shall be filled by the authority originally filling that position, except that any vacancy in appointments by the General Assembly shall be filled in accordance with G.S. 120-122.

(c) Removal. – The appointing authority shall have the power to remove any member of the Commission appointed by that authority from office for misfeasance, malfeasance and nonfeasance according to applicable provisions of law.

(d) Quorum. – A majority of the Commission shall constitute a quorum for the transaction of business.

(e) ~~Chair.~~Officers. – At the first meeting of the Commission held after September 1, 1975, the Commission shall elect one of its members as its ~~chairman~~ chair and another as its ~~vice-chairman,~~vice-chair, both to serve through June 30 of the next following year. Thereafter, at its first meeting held on or after July 1 of each year, the Commission shall elect from its members a ~~chairman and vice-chairman to serve through June 30 of the next following year.~~president, vice president, and secretary-treasurer with no two offices to be held by the same person. All officers shall serve for a term of one year and shall serve until their successors are elected and qualified."

SECTION 3.(c). G.S. 65-51 reads as rewritten:

"**§ 65-51. Principal office.**

The principal office of the Commission shall be in the City of Raleigh, North Carolina. Notice of all regular and special meetings of the Commission shall be advertised 10 or more days in advance in at least three newspapers in North Carolina having inter-county circulation in the State. Each member of the Commission shall receive per diem and allowances in accordance with ~~G.S. 138-5.~~G.S. 93B-5. ~~The administrator~~Members of the ~~Commission,~~Commission and other employees required to attend and legal counsel to the Commission shall be entitled to actual expenses while attending regular or special meetings of the Commission held other than in Raleigh, North Carolina. All salaries, compensation, and expenses of the Commission shall be paid from funds coming to the Commission pursuant to this Article. In no case shall any salary, compensation, or other expense of the Commission be charged against the General Fund."

SECTION 3.(d). G.S. 65-53 reads as rewritten:

"**§ 65-53. Powers.**

In addition to other powers conferred by this Article, the Cemetery Commission shall have the following powers and duties:

~~(1) The administrator shall be appointed by the Governor upon recommendation of the Cemetery Commission. The compensation of the administrator and such other personnel as is necessary to operate the Commission is subject to the provisions of Chapter 126 of the General Statutes of North Carolina. The Commission is authorized and empowered to~~To employ ~~such~~ staff, including legal counsel, as may be ~~necessary.~~necessary to perform its duties and determine the compensation of its employees.

(2) To examine a cemetery company's records when a person applies for a change of control of the company.

(3) Investigate, upon its own initiative or upon a verified complaint in writing, the actions of any person engaged in the business or acting in the capacity of a licensee under this Article. The license of a licensee may be revoked or suspended for a period not exceeding two years, or until compliance with a lawful order imposed in the final order of suspension, or both, where the licensee in performing or attempting to perform any of the acts specified in this Article has been guilty of:

a. Failing to pay the fees required herein;
b. Failing to make any reports required by this Article;
c. Failing to remit to the care and maintenance trust fund, merchandise trust fund, or preconstruction trust fund the required amounts;
d. Making any substantial misrepresentation;
e. Making any false statement of a character likely to influence or persuade;
f. A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen;
g. Violating any provision of this Article or rule promulgated by the Commission; or
h. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(4) ~~In all proceedings under this Article for the revocation or suspension of licenses, the provisions of Chapter 150B of the General Statutes shall be applicable.~~ To hold hearings in accordance with the provisions of this Article and Article 3A of Chapter 150B of the General Statutes to subpoena witnesses and to administer oaths to or receive the affirmation of witnesses before the Commission.

In any show cause hearing before the Commission held under the authority of Article 3A of Chapter 150B of the General Statutes where the Commission imposes discipline against a licensee, the Commission may recover the costs, other than attorneys' fees, of holding the hearing against all respondents jointly, not to exceed two thousand five hundred dollars ($2,500).

(5) ~~At such time as the Commission finds it necessary it may bring an action in the name of the State in the court of the county in which the place of business is located against such person to enjoin such person from engaging in or continuing such violation or doing any act or acts in furtherance thereof.~~ To apply to the courts, in its own name, for injunctive relief to prevent violations of this Article or violations of any rules adopted pursuant to this Article. Any court may grant injunctive relief regardless of whether criminal prosecution or any other action is instituted as a result of the violation. A single violation is sufficient to invoke the injunctive relief under this subdivision. In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper;

provided, that before any such action is brought the Commission shall give the cemetery at least 20 days' notice in writing, stating the alleged violation and giving the cemetery an opportunity within the 20-day period to cure the violation. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, the court shall have the power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this Article through or by means of the use of said property and business. The Commission may institute proceedings against the cemetery or its officers, whereafter an examination, pursuant to this Article, a shortage in the care and maintenance trust fund, merchandise trust fund or mausoleum and belowground crypts preconstruction trust fund is discovered, to recover said shortage.

(6) Whenever any special additional audit or examination of a licensee's premises, facilities, books or records is necessary because of the failure of the licensee to comply with the requirements imposed in this Article or by the rules and regulations of the Commission, to charge a fee based on the cost of the special examination or audit, taking into consideration the salary of any employees involved in the special audit or examination and any expenses incurred.

(7) ~~Promulgate~~ To promulgate rules and regulations requiring licensees to file with the Commission plans and specifications for the minimum quality of any product sold. The sale of any product for which plans and specifications required by the rules and regulations have not been filed or sale of any product of a lesser quality than the plans and specifications filed with the Commission is a violation of this Article.

(8) When the Commission finds that failure by a licensee to maintain a cemetery properly has caused that cemetery to be a public nuisance or a health or safety hazard, the Commission may bring an action for injunctive relief, against the responsible licensee, in the superior court of the county in which the cemetery or any part thereof is located.

(9) To acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and Council of State. Collateral pledged by the Commission for an encumbrance is limited to the assets, incomes, and resources of the Commission.

(10) To purchase, rent, or lease equipment and supplies and purchase liability insurance to cover the activities of the Commission, its operations, or its employees."

SECTION 3.(e). Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"**§ 65-53.1. Inspectors.**

(a) The Commission may appoint one or more agents who shall serve at the pleasure of the Commission and who shall have the title "Inspector of the North Carolina Cemetery Commission."

(b) To determine compliance with the provisions of this Article and regulations promulgated under this Article, inspectors may do the following:

(1) Enter the office, establishment, or place of business in North Carolina of any cemetery broker, cemetery company, cemetery management organization, cemetery sales organization, or pre-need sales licensee to inspect the records, office, establishment, or facility or to inspect the practice conducted or license of any licensee.

(2) Inspect criminal and probation records of licensees and applicants for licenses under this Article to obtain evidence of their character.

(c) Inspectors may serve papers and subpoenas issued by the Commission or any office or member thereof under authority of this Article and shall perform other duties prescribed or ordered by the Commission.

(d) The Commission may prescribe an inspection form to be used by the inspectors in performing their duties.

(e) Upon request by the Commission, the Attorney General of North Carolina shall provide the inspectors with appropriate identification cards signed by the Attorney General or his or her designated agent. In lieu of identification cards, the Commission may design and issue badges to inspectors."

SECTION 3.(f). Article 9 of Chapter 65 of the General Statutes is amended by adding a new section to read:

"**§ 65-54.1. Commission records are confidential.**

Records, papers, and other documents containing information collected or compiled by the Commission, its members, or employees, as a result of a complaint, investigation, inquiry, or interview in connection with an application for license, or in connection with a license holder's professional ethics and conduct, shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Any notice or statement of charges against a license holder or applicant, or any notice to a license holder or applicant of a hearing to be held by the Commission, is a public record even though it may contain information collected and compiled as a result of a complaint, investigation, inquiry, or interview conducted by the Commission. If any record, paper, or other document containing information collected and compiled by the Commission is admitted into evidence in a hearing held by the Commission, it shall then be a public record within the meaning of Chapter 132 of the General Statutes."

SECTION 3.(g). G.S. 143B-433(1) reads as rewritten:

"**§ 143B-433. Department of Commerce – organization.**

The Department of Commerce shall be organized to include:

(1) The following agencies:

a. The North Carolina Alcoholic Beverage Control Commission.

b. The North Carolina Utilities Commission.

c. Repealed by Session Laws 2011-401, s. 1.5, effective November 1, 2011.
d. The North Carolina Industrial Commission.
e. State Banking Commission.
f. Savings Institutions Division.
g. Repealed by Session Laws 2001-193, s. 11, effective July 1, 2001.
h. Credit Union Commission.
i. Repealed by Session Laws 2004-199, s. 27(d), effective August 17, 2004.
j. The North Carolina Mutual Burial Association Commission.
~~k. North Carolina Cemetery Commission.~~
l. The North Carolina Rural Electrification Authority.
m. Repealed by Session Laws 1985, c. 757, s. 179(d).
n. North Carolina Science and Technology Research Center.
o. Repealed by Session Laws 2011-145, s. 14.6(g), effective July 1, 2011.
p. Repealed by Session Laws 2010-180, s. 7(f), effective August 2, 2010.
q. Economic Development Board.
r. Labor Force Development Council.
s., t. Repealed by Session Laws 2000, c. 140, s. 76.(j), effective September 30, 2000.
u. Navigation and Pilotage Commissions established by Chapter 76 of the General Statutes.
v. Repealed by Session Laws 1993, c. 321, s. 313b."

SECTION 3.(h). Section 14.7(a) of S.L. 2011-145 reads as rewritten:

"**SECTION 14.7.(a)** In consultation with the Fiscal Research Division, the Department of Commerce and the ABC Commission, State Banking Commission, Credit Union Division, ~~Cemetery Commission,~~ Utilities Commission, Utilities Commission Public Staff, and the Rural Electrification Authority shall study the following: (i) the types of services provided by the Department of Commerce to each of the agencies during each fiscal year; and (ii) formulas or methods to be used to determine the costs of the services, including the advantages and disadvantages of each formula or method. The Department of Commerce and each of the agencies shall prepare a joint recommendation as to which formula or method to determine the costs of the services should be used. In addition, the Department of Commerce and each of the agencies shall develop a memorandum of understanding that details the services to be provided by the Department of Commerce during each fiscal year.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 443*

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

S443-ARC-61 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 6/13/2012

S. B. No. 443 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.)
Sen.)

1 moves to amend the bill on page 2, line 15
2 ( ) WHICH CHANGES THE TITLE
3 by deleting the number "24" and
4 substituting "24 25".
5
6
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 443 A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES INCURRED IN THE LINE OF DUTY.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

VISITOR REGISTRATION SHEET

Rules

(Committee Name)

6/14/12

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lucas Pullen	Counsel NCA
Melanie Soler	DCR
Daniel Baum	Tuggleman Sunday
Elise Quick	TS
Karen Bessman	TS
Bo Heath	McGuire Woods
David McGowan	NCAR
David Barnes	DS
Heather Barrett	WM
Doug Heron	WM
Lisa Martin	NC HBA
Matthew Christensen	NCRLA
Allison Waller	Nelson Mullins
Jim Emmons	BCBSNC
Mike Hunter	Wake Memorial Park
Chuck Stone	SEANC
Mitch Leonard	SEANC

VISITOR REGISTRATION SHEET

_____

(Committee Name)

_____

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lisa Rèrez	Reagedale Liggett

VISITOR REGISTRATION SHEET

Rules

(Committee Name)

6-14-12

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Zeb Alley	NMRS
Becki Gray	Locke Foundation
Dana Simpson	SA
Catern Woodrum	NC Museum of Art
James Fulghum	Constituent - Raleigh
Susanna Hailey	K&L Gates
Matt Maining	NCLM
Clare FitzGerald	DENR
Susan Gamble	DOA
Chris Whitmire	NC House 113
Kara Weishaar	SA
Joel Maynard	GPM : ASDOC
	n/
Sherita Reid	DOC
BRAD Bailey	Bennett Memorial Park
Ann McCall	SBE

09-21-201

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 19, 2012

The Committee on Rules, Calendar and Operations of the House met on June 19, 2012 at 10:01 a.m. in room 1228 of the Legislative Building. The following members were present: Chairman Moore, Chairman LaRoque, Representative Alexander, Representative Blust, Representative Daughtry, Representative Folwell, Representative Hackney, Representative Hill, Representative Hilton, Representative Jeffus, Representative Johnson, Representative Luebke, Representative Moffitt, Representative Saine, Representative Samuelson, Representative Stam, and Representative Stone.

Chairman LaRoque presided. He recognized the pages and the Sergeant-at- Arms.

The following bills were considered:

HJR 1224 Honor Bill Ives (Representative Walend, Representative Brubaker, Representative McGrady, and Representative Alexander, Primary Sponsors) Chairman LaRoque recognized Representative Wieland to explain the bill. There was no discussion or debate on the bill. Representative Moore was recognized and he motioned for a favorable report. A vote was called and the motion carried.

SB 141 Concealed Carry/DA, Ass't DA, Investigator (Senator Apodaca and Senator Meredith, Primary Sponsors) Representative Moore was recognized by Chairman LaRoque. Representative Moore made a motion for the PCS to be brought before the committee and a vote was called. The motion passed. Chairman LaRoque recognized Senator Apodaca to explain the bill. Andrew Tripp, attorney to Senate, was recognized for farther explanation. There was discussion and debate on the bill. Representative Moore was recognized to send forth an amendment. Representative Moore was recognized to explain his amendment. Representative Daughtry was recognized and he motioned to adopt the amendment into the PCS. A vote was called and the amendment passed. Representative Stam was recognized to send forth an amendment, but then withdrew his amendment. Representative Moore was recognized to continue explaining the bill. Chairman LaRoque recognized Kory Goldsmith, Research Staff, to continue to explain the bill. Representative Luebke was recognized. He motioned for a favorable report to the PCS as amended to be rolled into a new PCS, unfavorable to the original, with a re-referral to the House Judiciary Sub- Committee B.

HR 1191 Resolution of Disapproval of Reorganization (Representative Cleveland, Primary Sponsor) Chairman LaRoque recognized Representative Cleveland who explained the bill. There was discussion and debate on the bill. Chairman LaRoque recognized Representative Stone, who made a motion for a favorable report. A vote was called and the motion passed.

SB 661 License Plate Agency Contracts (Senator Bingham, Primary Sponsor) Chairman LaRoque recognized Representative Samuelson who motioned that the PCS be before the Committee. Chairman LaRoque recognized Representative Cleveland to explain the bill. There

was discussion and debate on the bill. Representative Folwell motioned for a favorable report as to the PCS, unfavorable to the original bill. A vote was called and the motion passed.

SB SB 231 Municipal Incorp Standards/Water Extensions (Senator Hartsell, Primary Sponsor) Chairman LaRoque recognized Representative Moore who made the motion for the PCS to be before the committee. Chairman LaRoque recognized Representative L. Brown to explain the bill. There was discussion and debate on the bill. Representative Stam motioned for a favorable report as to the PCS, unfavorable to the original. A vote was called and the motion passed.

Chairman LaRoque adjourned at 11:00 a.m.

Respectfully submitted:

Representative Stephen LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

n:	Nancy Garriss (Rep. Tim Moore)
t:	Monday, June 18, 2012 8:54 PM
To:	Rep. George Cleveland; Rep. Trudi Walend; Rep. Harold "Bru" Brubaker; Rep. Chuck McGrady; Rep. Martha Alexander; Sen. Tom Apodaca; Sen. Wesley Meredith; Sen. Fletcher Hartsell, Jr.; Sen. Stan Bingham
Cc:	Pamela Ahlin (Rep. Cleveland); Ken Walend (Rep. Trudi Walend); Cindy Coley (Rep. Brubaker); Edward Stiles (Rep. McGrady); Ann Faust (Rep. Alexander); Carolyn Gooden (Sen. Apodaca); Debbie Lown (Sen. Meredith); Gerry Johnson (Sen. Hartsell); Judy Chriscoe (Sen. Bingham)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tue, 06-19-2012 at 10:00 a.m.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

ı are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as ...ows:

DAY & DATE: Tuesday, June 19, 2012
TIME: 10:00 a.m.
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 1191	Resolution of Disapproval of Reorganization.	Representative Cleveland
HJR 1224	Honor Bill Ives.	Representative Walend Representative Brubaker Representative McGrady Representative Martha B. Alexander
SB 141	Concealed Carry/DA, Ass't DA, Investigator.	Senator Apodaca Senator Meredith
SB 231	Municipal Incorp Standards/Water Extensions.	Senator Hartsell
B 661	License Plate Agency Contracts.	Senator Bingham

Respectfully,
Representative T. Moore, Chair

Representative LaRoque, Chair

reby certify this notice was filed by the committee assistant at the following offices at
_ _ **M** o'clock on **June 18, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

June 19, 2012. 10:00 a.m.

Room 1328 LB

Representative Tim Moore Presiding

Remarks:

HR 1191	Resolution of Disapproval of Reorganization	Representative Cleveland
HJR 1224	Honor Bill Ives.	Representative Walend Representative Brubaker Representative McGrady Representative Martha B. Alexander
SB 141	Concealed Carry/DA, Ass't DA, Investigator.	Senator Apodaca Senator Meredith
SB 231	Municipal Incorp Standards/Water Extensions.	Senator Hartsell
SB 661	License Plate Agency Contracts.	Senator Bingham

Adjourn

HOUSE RESOLUTION 1191

Sponsors:	Representative Cleveland (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Judiciary Subcommittee C.

May 30, 2012

A HOUSE RESOLUTION SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO. 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE REORGANIZATIONS BY LEGISLATION.

Whereas, Section 5(10) of Article III of the North Carolina Constitution states: "Administrative reorganization. The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly"; and

Whereas, on March 25, 2011, the Governor issued Executive Order No. 85, entitled "CONSOLIDATION AND REORGANIZATION OF EXECUTIVE BRANCH AGENCIES TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT," which recited that it was issued under Section 5(10) of Article III of the North Carolina Constitution; and

Whereas, the General Assembly has carefully considered the Executive Order; and

Whereas, by the following legislation among others, the General Assembly has dealt with the issues raised in the Executive Order: (i) S.L. 2011-145 "AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS"; and (ii) S.L. 2011-401 "AN ACT TO REFORM THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE MAKING UNDER ARTICLE 2A OF CHAPTER 150B OF THE GENERAL STATUTES, AND BY MAKING OTHER MODIFICATIONS AND CONFORMING CHANGES TO ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE"; and

Whereas, a resolution of disapproval is necessary as unless it is adopted Executive Order No. 85 may become effective under its terms upon sine die adjournment of the 2011 Regular Session of the General Assembly; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. Executive Order No. 85, adopted March 25, 2011 is specifically disapproved under the authority given the House of Representatives by Section 5(10) of Article III of the North Carolina Constitution.

SECTION 2. The Enrolling Clerk shall cause this resolution to be published in the Appendices to the Session Laws for the 2011 Regular Session of the General Assembly.

SECTION 3. This resolution is effective upon adoption.

HOUSE JOINT RESOLUTION 1224

Sponsors:	Representatives Walend, Brubaker, McGrady, and M. Alexander (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

June 13, 2012

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM MANER "BILL" IVES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, William Maner "Bill" Ives was born on September 4, 1933, in Jacksonville, Florida, to Anson Jesse Ives and Catherine Ellis Ives; and

Whereas, Bill Ives graduated from Robert E. Lee High School in 1951 and earned a bachelor's degree in Political Science from the University of Florida in 1954; and

Whereas, Bill Ives served as a sergeant in the United States Army from 1954 to 1956 in Korea; and

Whereas, after serving in the army, Bill Ives taught civics at Lake Shore Junior High School; and

Whereas, in 1966, Bill Ives moved his family to Brevard, North Carolina, where he assumed ownership of the Keystone Camp for Girls; and

Whereas, after completing courses at Blue Ridge Community College, Bill Ives later became a licensed general contractor, an electrical contractor, and a plumbing and heating contractor; and

Whereas, Bill Ives served as treasurer of the Transylvania Republican Party from 1977 to 1978, Chair of the Transylvania Republican Party from 1979 to 1980, and Chair of the Transylvania County Board of Commissioners from 1972 to 1976 and from 1980 to 1984; and

Whereas, Bill Ives was elected to the General Assembly in 1992 and went on to serve three terms in the House of Representatives from 1993 to 1998; and

Whereas, during his tenure in the General Assembly, Bill Ives served as Chair of the Human Resources Subcommittee on Families, as Cochair of the Appropriations Subcommittee on General Government, and as a member of several other committees, including Education, Human Resources, Insurance, and State Government; and

Whereas, Bill Ives was an active member of his community, working with Habitat for Humanity and serving as Chair of the Land of Sky Council of Governments, President of the Brevard/Transylvania Chamber of Commerce, President of the Transylvania Historical Society, Chair of the Board of Transylvania Vocational Services, and Cochair of the Building Committee for the Transylvania Christian Ministry Sharing House; and as a member of the Board of Directors of the North Carolina County Commissioners Association; as trustee of the North Carolina School of Science and Mathematics; and Chair of the Transylvania County Board of Equalization and Review; and

Whereas, Bill Ives was honored with the Esther Wesley Award, which is awarded to a person who consistently devotes himself to the community by the Brevard/Transylvania

Chamber of Commerce; the Library Champion Award from the North Carolina Public Library Director's Association; and a Lifetime Services Award from Transylvania Vocation Services; and

Whereas, Bill Ives was a member of the St. Phillip's Episcopal Church in Brevard, where he served on the Vestry and as a Sunday school teacher and warden; and

Whereas, Bill Ives died on April 20, 2011, at the age of 77; and

Whereas, Bill Ives was preceded in death by his first wife, Sue Howe Ives; and

Whereas, Bill Ives is survived by his wife, Ann Sanders Ives; a daughter Page Ives Lemel and husband Dr. Mark Steven Lemel; a son, Anson Bradley Ives and wife Debra Dickenhuth Ives; grandchildren, Catherine Ellis Lemel, Hannah Cecile Lemel, and Samuel Ives Lemel, Lawton Frederick Ives, and Emily Garnett Ives; and a sister, Naudain Ives Sellers; Now, therefore,

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

SECTION 1. The General Assembly honors the memory of William Maner "Bill" Ives and expresses its appreciation of the service he rendered to Transylvania County, the State, and the nation.

SECTION 2. The General Assembly extends its sympathy to the family of William Maner "Bill" Ives for the loss of a beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of William Maner "Bill" Ives.

SECTION 4. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 141
Judiciary II Committee Substitute Adopted 4/13/11

Short Title: Concealed Carry/DA, Ass't DA, Investigator. (Public)

Sponsors:

Referred to:

February 28, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ANY PERSON WHO IS A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY, OR INVESTIGATOR EMPLOYED BY THE OFFICE OF A DISTRICT ATTORNEY AND WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-269 reads as rewritten:

"**§ 14-269. Carrying concealed weapons.**

(a) It shall be unlawful for any person willfully and intentionally to carry concealed about his person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other deadly weapon of like kind, except when the person is on the person's own premises.

(a1) It shall be unlawful for any person willfully and intentionally to carry concealed about his person any pistol or gun except in the following circumstances:

(1) The person is on the person's own premises.

(2) The deadly weapon is a handgun, ~~and~~ the person has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under ~~G.S. 14-415.24.~~G.S. 14-415.24, and the person is carrying the concealed handgun in accordance with the scope of the concealed handgun permit as set out in G.S. 14-415.11(c).

(3) The deadly weapon is a handgun and the person is a military permittee as defined under G.S. 14-415.10(2a) who provides to the law enforcement officer proof of deployment as required under G.S. 14-415.11(a).

(b) This prohibition shall not apply to the following persons:

(1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

(2) Civil and law enforcement officers of the United States;

(3) Officers and soldiers of the militia and the National Guard when called into actual service;

(4) Officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties;

(4a) Any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while in a courtroom or while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The district attorney, assistant district attorney, or investigator shall secure the weapon in a locked compartment when the weapon is not on the person of the district attorney, assistant district attorney, or investigator;

(5) Sworn law-enforcement officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.

(b1) It is a defense to a prosecution under this section that:

(1) The weapon was not a firearm;

(2) The defendant was engaged in, or on the way to or from, an activity in which he legitimately used the weapon;

(3) The defendant possessed the weapon for that legitimate use; and

(4) The defendant did not use or attempt to use the weapon for an illegal purpose.

The burden of proving this defense is on the defendant.

(b2) It is a defense to a prosecution under this section that:

(1) The deadly weapon is a handgun;

(2) The defendant is a military permittee as defined under G.S. 14-415.10(2a); and

(3) The defendant provides to the court proof of deployment as defined under G.S. 14-415.10(3a).

(c) Any person violating the provisions of subsection (a) of this section shall be guilty of a Class 2 misdemeanor. Any person violating the provisions of subsection (a1) of this section shall be guilty of a Class 2 misdemeanor for the first offense. A second or subsequent offense is punishable as a Class I felony.

(d) This section does not apply to an ordinary pocket knife carried in a closed position. As used in this section, "ordinary pocket knife" means a small knife, designed for carrying in a pocket or purse, that has its cutting edge and point entirely enclosed by its handle, and that may not be opened by a throwing, explosive, or spring action."

SECTION 2. G.S. 14-415.11 reads as rewritten:

"**§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

(a) Any person who has a concealed handgun permit may carry a concealed handgun unless otherwise specifically prohibited by law. The person shall carry the permit together with valid identification whenever the person is carrying a concealed handgun, shall disclose to any law enforcement officer that the person holds a valid permit and is carrying a concealed handgun when approached or addressed by the officer, and shall display both the permit and the proper identification upon the request of a law enforcement officer. In addition to these requirements, a military permittee whose permit has expired during deployment may carry a concealed handgun during the 90 days following the end of deployment and before the permit is renewed provided the permittee also displays proof of deployment to any law enforcement officer.

(b) The sheriff shall issue a permit to carry a concealed handgun to a person who qualifies for a permit under G.S. 14-415.12. The permit shall be valid throughout the State for a period of five years from the date of issuance.

(c) ~~A~~ Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry a concealed handgun in the areas prohibited by G.S. 14-269.2, 14-269.3, 14-269.4, and 14-277.2, in an area prohibited by rule adopted under G.S. 120-32.1, in any area prohibited by 18 U.S.C. § 922 or any other federal law, in a law enforcement or correctional facility, in a building housing only State or federal offices, in an office of the State or federal government that is not located in a building exclusively occupied by the State or federal government, a financial institution, or on any other premises, except state-owned rest areas or state-owned rest stops along the highways, where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice or statement by the person in legal possession or control of the premises.

(c1) It shall be unlawful for a person, with or without a permit, to carry a concealed handgun while consuming alcohol or at any time while the person has remaining in his body any alcohol or in his blood a controlled substance previously consumed, but a person does not violate this condition if a controlled substance in his blood was lawfully obtained and taken in therapeutically appropriate amounts.

(d) A person who is issued a permit shall notify the sheriff who issued the permit of any change in the person's permanent address within 30 days after the change of address. If a permit is lost or destroyed, the person to whom the permit was issued shall notify the sheriff who issued the permit of the loss or destruction of the permit. A person may obtain a duplicate permit by submitting to the sheriff a notarized statement that the permit was lost or destroyed and paying the required duplicate permit fee."

SECTION 3. Article 54B of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-415.27. Expanded permit scope for district attorneys, assistant district attorneys, and investigators employed by office of the district attorney.**

Notwithstanding G.S. 14-415.11(c), any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24 is not subject to the restrictions and prohibitions set out in G.S. 14-415.11(c) and may carry a concealed handgun in the areas listed in G.S. 14-415.11(c), unless otherwise prohibited by federal law."

SECTION 4. This act becomes effective December 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 231

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/8/11
House Committee Substitute Favorable 6/7/12

Short Title: Municipal Incorp Standards/Water Extensions. (Public)

Sponsors:

Referred to:

March 8, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STANDARDS REQUIRED FOR INCORPORATION OF A MUNICIPALITY AND TO REQUIRE APPROVAL OF THE MUNICIPAL GOVERNING BOARD PRIOR TO CERTAIN EXTENSIONS OF WATER OR SEWER SERVICE BY OTHER GOVERNMENT ENTITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-163 reads as rewritten:

"**§ 120-163. Petition.**

(a) The process of seeking the recommendation of the Municipal Incorporations Subcommittee is commenced by filing with the Municipal Incorporations Subcommittee a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than ~~25~~50 registered voters of that area, asking for incorporation. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt. That period of 15 working days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the county board of elections.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The petition must contain a statement that the proposed municipality will have a budget ordinance with an ad valorem tax levy of at least ~~five cents (5¢)~~ twenty cents (20¢) on the one hundred dollar ($100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer ~~four~~ all of the following services no later than the first day of the third fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire protection; (iii) ~~solid waste~~ wastewater treatment, collection or disposal; and (iv) water

~~distribution;~~ distribution. ~~(v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning.~~The petition shall also list any other services the proposed municipality proposes to offer. In order to qualify for providing police protection, the proposed municipality must propose either to provide police service or to have services provided by contract with a county or another municipality that proposes that the other government be compensated for providing supplemental protection. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Municipal Incorporations Subcommittee the verified petition from the county board of elections.

(e) A petition must be submitted to the Municipal Incorporations Subcommittee at least 60 days prior to convening of the next regular session of the General Assembly in order for the Municipal Incorporations Subcommittee to make a recommendation to that session."

SECTION 2. G.S. 120-167 reads as rewritten:

"**§ 120-167. Additional criteria; population.**

The Commission may not make a positive recommendation unless the proposed municipality has a ~~permanent population of at least 100 and a~~ population density (either permanent or seasonal) of at least 250 persons per square ~~mile.~~ mile and a population as defined in G.S. 120-166(a) equal to or greater than that provided in the following schedule:

If the proposed municipality is located within:

(1)	One-half mile of a municipality of under 5,000	250 persons.
(2)	One mile of a municipality of 5,000 to 9,999	500 persons.
(3)	Three miles of a municipality of 10,000 to 24,999	1,000 persons.
(4)	Four miles of a municipality of 25,000 to 49,999	2,000 persons.
(5)	Four miles of a municipality of 50,000 or more	4,000 persons."

SECTION 3. G.S. 120-172 reads as rewritten:

"**§ 120-172. Referendum.**

~~Based on information received at the public hearing, the Commission may~~ The Commission shall recommend that any incorporation act passed by the General Assembly ~~shall~~ be submitted to a referendum.~~referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.~~"

SECTION 4. Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-329. Extension of water or sewer service by other public entities near municipal limits.**

No public water or sewer system may establish or extend water or sewer service within one mile of the corporate limits of a municipality with a population of 5,000 to 9,999; within three miles of the corporate limits of a municipality with a population of 10,000 to 24,999; within four miles of the corporate limits of a municipality with a population of 25,000 to 49,999; or within five miles of the corporate limits of a municipality with a population of 50,000 or more, according to the most recent annual estimate of the Office of State Budget and Management, unless each of the governing boards of any municipalities within the prescribed distances has adopted a resolution approving of the establishment or extension of service. For purposes of this section, the following definitions apply:

(1) "Corporate limits" means only the primary corporate limits and does not include satellite corporate limits.

(2) "Municipality" means a city as defined by G.S. 160A-1(2), and only the primary corporate limits of the municipality may be considered in establishing the mileage limitations. This section does not affect the ability of any such entity to serve existing customers.

(3) "Public water or sewer system" means (i) a water or sewer authority formed under Article 1 of Chapter 162A of the General Statutes; (ii) a metropolitan

water district formed under Article 4 of Chapter 162A of the General Statutes; (iii) a metropolitan sewerage district formed under Article 5 of Chapter 162A of the General Statutes; (iv) a county water or sewer district formed under Article 6 of Chapter 162A of the General Statutes; (v) a sanitary district formed under Article 2 of Chapter 130A of the General Statutes; (vi) a county-owned or county-operated water or sewer system; or (vi) a joint agency providing a water or sewer system by interlocal agreement under Article 20 of Chapter 160A of the General Statutes of which that municipality is not a member of or party to."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 661
Program Evaluation Committee Substitute Adopted 5/10/11

Short Title: License Plate Agency Contracts. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

The General Assembly of North Carolina enacts:

SECTION 1. The Program Evaluation Division of the General Assembly shall study and evaluate the Division of Motor Vehicles' Commission Contract for the Issuance of Plates and Certificates program, authorized in G.S. 20-63(h), to determine the cost-effectiveness and savings that can be effected by changing or maintaining the current operating procedures and to develop any plans or practices that, if implemented, would result in increased operating efficiency of the Division of Motor Vehicles' Commission Contract program.

SECTION 2. The Program Evaluation Division shall submit its findings and recommendations for Section 1 of this act to the Joint Legislative Program Evaluation Oversight Committee, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee. The Joint Legislative Program Evaluation Oversight Committee shall submit any recommendations based upon the study to the 2012 Regular Session of the 2011 General Assembly.

SECTION 3. The Commissioner of Motor Vehicles shall not cancel any Commission contracts for any reason other than malfeasance, misfeasance, or nonfeasance of the Commission contractor until the 2011 General Assembly adjourns sine die.

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

SENATE BILL 141:
Law Enforcement/Other Changes

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 18, 2012
Introduced by:	Sens. Apodaca, Meredith	**Prepared by:**	Kory Goldsmith
Analysis of:	PCS to Second Edition S141-CSRC-66		Committee Counsel

SUMMARY: ***This Proposed Committee Substitute for SB141 would do the following: create two new felony first degree trespass offenses; require assignment of motions of appropriate relief by senior resident superior court judges and chief district court judges, modify the current law regarding empowerment of a judge to hear a motion for appropriate relief filed more than 10 days after the verdict by requiring that the judge also be assigned to hear the motion, establish a time-frame applicable to non-capital cases for the assignment, review, hearing, and ruling of a motion for appropriate relief; amend the procedure for immediate civil license revocations for provisional licensees charged with certain criminal moving violations; increase the benchmark amount that triggers certain additional steps the Lottery Commission must take when letting contracts; modify a conflict of interest provision related to Lottery Commission contracts ; and clarify the changes to Payable on Death contracts enacted last year did not change the process for entering into those contracts.***

CURRENT LAW: First Degree Trespass - First degree trespass is punishable under G.S. 14-159.12 s a Class 2 misdemeanor. The penalty range for a Class 2 misdemeanor offense is as follows: (i) 1- 30 ays of community punishment for a person with no prior convictions, (ii) 1-45 days of community punishment or intermediate punishment in the discretion of the court for a person with one to four prior convictions, and (iii) 1-60 days of community punishment, intermediate punishment, or active punishment in the discretion of the court for a person with five or more prior convictions.

Section 1 of the PCS amends G.S. 14-159.12 to do the following:

- Make first degree trespass a Class I felony when the trespass occurs on the premises of certain types of critical infrastructure. Critical infrastructure is described as follows: (i) certain electric power generating or transmitting facilities or stations owned or operated by an electric power supplier as defined in G.S. 62-133.8(a)(3); (ii) a dam or reservoir used by an electric power supplier to generate hydroelectric power; (iii) various public water system facilities; and (iv) various types of liquefied natural gas storage or propane-air facilities.
- Make first degree trespass a Class H felony if the trespass occurs on the premises of any of the critical infrastructure described above and the offense also includes any of the following elements: (i) the offender intended to disrupt the normal operation on any of the critical infrastructure facilities, (ii) the offense involved an act that placed either the offender or others on the premises at risk of serious bodily injury, or (iii) the offense is committed by three or more persons acting in concert.
- The sentence ranges for each level of Class I and Class H felonies are set out below:

PRIOR RECORD LEVEL

	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
	C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
	6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
	4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
	C	C/I	I	I/A	I/A	I/A	DISPOSITION
	6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
	3-4	3-4	4-5	4-6	5-7	6-8	Mitigated

CURRENT LAW: Motions for Appropriate Relief (MAR)

Judges empowered to consider a motion for appropriate relief

G.S. 15A-1413 provides which judges are empowered to hear MARs and distinguishes the authority of a judge to hear a MAR based on whether it is filed within 10 days of the judgment (See G.S. 15A-1414) or more than 10 days after the judgment (See G.S. 15A-1415.)

G.S. 15A-1413(b) authorizes the trial judge to consider a MAR filed under G.S. 15A-1414, even if that judge is in another district or the judge's commission has expired. The statute does not specifically address who may hear the motion if the judge is unavailable, but presumably the matter may be heard by any judge empowered to act in the district where the judgment was entered. (See Motions for Appropriate Relief, by Jessica Smith, Administration of Justice Bulletin 2010/03/June 2010).

G.S. 15A-1413(a) provides that a MAR filed under G.S. 15A-1415 may be considered by any judge empowered to act over criminal matters in the district in which the trial was held.

G.S. 15A-1413(c) provides that if a MAR is made before a judge who did not hear the case, the judge may, if practicable, refer all or part of the MAR to the judge who presided at the trial. "Practicable" is not a defined term.

Judicial officials' duties upon filing of MAR in noncapital case

G.S. 15A-1420(b1)(2) requires the Clerk of court, upon receipt of a MAR in a noncapital case to place it on the criminal docket and promptly bring the MAR to the attention of either the resident judge or the judge holding court in the county or district. In noncapital cases, the resident judge or judge holding court must review the MAR and enter an order regarding the following:

- Whether defendant should be allowed to proceed without payment of costs
- Appointment of counsel
- Direct State, if necessary, to file an answer

If a hearing is necessary, the judge must calendar the case for hearing "without unnecessary delay." Current law does not establish a specific time frame for calendaring of a hearing or ruling on a MAR in a noncapital case.

Section 2 of the PCS does the following :

Judges empowered to consider a motion for appropriate relief and assignment of MAR

- Continues to provide that only the trial judge is empowered to consider a MAR filed under G.S. 15A-1414, unless that judge is unavailable; but, clarifies that if the trial judge is unavailable, the senior resident superior court judge (Senior Resident) or chief district court

judge (Chief) shall assign the MAR to any judge authorized to act in criminal court in the district in which the MAR is filed.

- Provides that a judge empowered to act in criminal matters in the district in which a MAR is filed may consider a MAR only if assigned to do so by the Senior Resident or Chief judge.
- Provides that all MARs shall be referred to either the Senior Resident or Chief judge for assignment. A MAR filed under G.S. 15A-1414 shall be assigned to the original trial judge as provided above. A MAR filed under G.S. 15A-1415 must be assigned, when practicable, to the judge who presided at trial, accepted the guilty plea, or imposed the sentence depending on the nature of the relief sought; otherwise the assignment is in the discretion of the Senior Resident or Chief judge.

Judicial officials' duties upon filing of MAR in noncapital case; establishment of certain specific deadlines and permissible extensions of time; failure to comply with deadlines

- Requires the clerk to place MARs on the criminal docket and promptly refer to the Senior Resident or Chief judge for assignment.
- Creates a time-frame within which a MAR filed in a noncapital case must be assigned, an initial review completed, a hearing calendared, and a ruling on the motion entered. An extension of time, not to exceed 30 days, may be granted to comply with any deadline set out in the time-frame, but no subsequent request to extend the deadline shall be granted without a written order containing detailed findings of extraordinary circumstances. The Senior Resident or Chief judge may also grant an extension of time to a judge assigned to consider a MAR to comply with a deadline, but no subsequent extension may be granted without a written order containing detailed findings of extraordinary circumstances.
- Provides that failure of the court to comply with the deadlines is grounds for the party filing the MAR to petition the Senior Resident or Chief judge for reassignment of the MAR and also entitles the party to seek a writ of mandamus to obtain compliance with the deadline.
- Provides that failure to meet a deadline imposed under this statute is not a ground for the summary granting of a MAR or other summary relief, including release of the prisoner.
- The time-frame established by the Section is as follows:
    - Within 30 days of filing of MAR.....Assignment by Senior Resident/Chief Judge
    - Within 30 days after assignment .....Initial review completed by assigned judge
      Initial review must address all of the following:
        - Determine whether MAR should be dismissed for lack of merit
        - Direct State, if necessary to file an answer within 30 days of the date of the initial review order
        - Order hearing and dispense with requirement that State file an answer
        - Determine whether defendant shall be allowed to proceed without costs
        - Determine whether counsel shall be appointed
        - Calendar a hearing
            - Calendar evidentiary hearing to be held within 90 days from issuance of initial review order, unless State must file an answer, then within 150 days
            - Calendar non-evidentiary hearing to be held within 60 days from issuance of initial review order, unless State must file an answer, then within 120 days
    - Notice of hearing .....No less than 5 days prior to date of hearing
    - Within 60 days of conclusion of hearing.....Court must rule on MAR

CURRENT LAW: Civil license revocation for provisional licensees charged with criminal moving violations.

An immediate civil license revocation for provisional licensees charged with criminal moving violations was enacted in 2011. This law requires that law enforcement officers take the provisional licensee into custody and before a magistrate for a determination of probable cause and an immediate 30 day civil license revocation.

Section 3 of the PCS does the following:

- Gives discretion back to the law enforcement officer on whether to arrest the provisional licensee or issue a citation for the offense.
- Amends the procedure for issuance of the 30 day civil license revocation to allow for the possibility that the law enforcement officer may choose to issue a citation and also to provide for appeal of the revocation.

CURRENT LAW: Lottery Commission Contracts.

In general, the Lottery Commission must follow the same procedures for letting contracts for services, goods, equipment and apparatus as other State agencies. If a contact is for more than $90,000, the Commission must also put in place some additional safeguards such as making sure it is not doing business with a lottery vender who has been convicted of a State or federal felony or any gambling offense within 10 years of letting the contract and the Commission has investigated the overall business practices and ethical standards of the venders bidding on the contract. In addition, before any contract is awarded, regardless of the amount, the Commission must do a thorough background check on all shareholders with a five percent (5%) or more interest in either the contractor or a parent or subsidiary corporation of the potential contactor.

Section 4 of the PCS increases the benchmark that triggers the additional safeguards from $90,000 to $300,000. It also clarifies that for the purposes of shareholder background checks, the law only applies to natural persons or those individuals with the ability to make operating decisions for the contractor or the parent company.

CURRENT LAW: Payable on Death Accounts.

During the 2011 Session, the General Assembly repealed four statutes authorizing payable on death accounts (each applying to a different type of financial institution) and enacted four new statutes authorizing similar accounts at those institutions. The changes made business entities "allowable beneficiaries" of the accounts. Under the previous law, the beneficiary had to be a human being.

Section 5 of the PCS attempts to clarify that although certain wording in the statutes was changed, the procedure for establishing a payable on death account remains the same.

EFFECTIVE DATE: Section 1 of this act becomes effective September 1, 2012, and applies to offenses committed on or after that date. Section 2 of this act becomes effective December 1, 2012, and applies to motions for appropriate relief filed on or after that date. Section 3 of this act becomes effective on December 1, 2012, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

Susan Sitze and Emily Johnson, staff attorneys substantially contributed to this summary.

S141-SMRC-73(CSRC-66) v2

SENATE BILL 141:
Law Enforcement/Other Changes

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 18, 2012
Introduced by:	Sens. Apodaca, Meredith	**Prepared by:**	Kory Goldsmith Committee Counsel
Analysis of:	PCS to Second Edition S141-CSRC-66		

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        - Determine whether counsel shall be appointed
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            - Calendar evidentiary hearing to be held within 90 days from issuance of initial review order, unless State must file an answer, then within 150 days
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    - Notice of hearing .....No less than 5 days prior to date of hearing
    - Within 60 days of conclusion of hearing.....Court must rule on MAR

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An immediate civil license revocation for provisional licensees charged with criminal moving violations was enacted in 2011. This law requires that law enforcement officers take the provisional licensee into custody and before a magistrate for a determination of probable cause and an immediate 30 day civil license revocation.

Section 3 of the PCS does the following:

- Gives discretion back to the law enforcement officer on whether to arrest the provisional licensee or issue a citation for the offense.
- Amends the procedure for issuance of the 30 day civil license revocation to allow for the possibility that the law enforcement officer may choose to issue a citation and also to provide for appeal of the revocation.

CURRENT LAW: Lottery Commission Contracts.

In general, the Lottery Commission must follow the same procedures for letting contracts for services, goods, equipment and apparatus as other State agencies. If a contact is for more than $90,000, the Commission must also put in place some additional safeguards such as making sure it is not doing business with a lottery vender who has been convicted of a State or federal felony or any gambling offense within 10 years of letting the contract and the Commission has investigated the overall business practices and ethical standards of the venders bidding on the contract. In addition, before any contract is awarded, regardless of the amount, the Commission must do a thorough background check on all shareholders with a five percent (5%) or more interest in either the contractor or a parent or subsidiary corporation of the potential contactor.

Section 4 of the PCS increases the benchmark that triggers the additional safeguards from $90,000 to $300,000. It also clarifies that for the purposes of shareholder background checks, the law only applies to natural persons or those individuals with the ability to make operating decisions for the contractor or the parent company.

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EFFECTIVE DATE: Section 1 of this act becomes effective September 1, 2012, and applies to offenses committed on or after that date. Section 2 of this act becomes effective December 1, 2012, and applies to motions for appropriate relief filed on or after that date. Section 3 of this act becomes effective on December 1, 2012, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

Susan Sitze and Emily Johnson, staff attorneys substantially contributed to this summary.

S141-SMRC-73(CSRC-66) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 141
Judiciary II Committee Substitute Adopted 4/13/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S141-CSRC-66 [v.8]

6/19/2012 9:40:47 AM

Short Title: Law Enforcement/Various Other Changes. (Public)

Sponsors:

Referred to:

February 28, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE NEW FELONY FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO INCREASE THE BENCHMARK FOR PUBLICLY BIDDING LOTTERY COMMISSION CONTRACTS, TO MODIFY THE LOTTERY COMMISSION CONFLICT OF INTEREST PROVISIONS, AND TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-159.12 reads as rewritten:

"**§ 14-159.12. First degree trespass.**

(a) Offense. – A person commits the offense of first degree trespass if, without authorization, he enters or remains:

(1) On premises of another so enclosed or secured as to demonstrate clearly an intent to keep out intruders; or

(2) In a building of another.

(b) Misdemeanor Classification. – First degree trespass is a Class 2 ~~misdemeanor.~~misdemeanor except as provided otherwise by subsection (c) of this section.

(c) Felony Classification. – An offense under subsection (a) of this section is punishable as a felony in the following circumstances:

(1) Except as provided otherwise in subdivision (2) of this subsection, the offense is a Class I felony if it is committed on the premises of any of the following:

a. A facility that is owned or operated by an electric power supplier as defined in G.S. 62-133.8(a)(3) and that is either an electric generation facility, a transmission substation, a transmission switching station, a transmission switching structure, or a control center used to manage transmission operations or electrical power-generating at multiple plant locations.

b. A dam or reservoir that is used by an electric power supplier as defined in G.S. 62-138(a)(3) to generate hydroelectric power.

c. Any facility used or available for use in the collection, treatment, testing, storing, pumping, or distribution of water for a public water system.

d. Any facility, including any liquefied natural gas storage facility or propane-air facility, that is owned or operated by a natural gas local distribution company, natural gas pipeline carrier operating under a certificate of public convenience and necessity from the Utilities Commission, municipal corporation operating a municipally-owned gas distribution system, or regional natural gas district organized and operated pursuant to Article 28 of Chapter 160A of the General Statutes used for transmission, distribution, measurement, testing, regulating, compression, control, or storage of natural gas.

(2) If, in addition to the circumstances set out in subdivision (1) of this subsection, the offense also includes any of the following elements, then the offense is a Class H felony :

a. The offense is committed with the intent to disrupt the normal operation of any of the facilities, dams, or reservoirs described in subdivision (1) of this subsection.

b. The offense involves an act that places either the offender or others on the premises at risk of serious bodily injury.

c. The offense is committed by three or more persons acting in concert."

SECTION 2.(a) G.S. 15A-1413 reads as rewritten:

"**§ 15A-1413. Trial judges empowered to act.**

(a) A motion for appropriate relief made pursuant to G.S. 15A-1415 may be heard and determined in the trial division by any judge ~~who~~ who: (i) is empowered to act in criminal matters 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, in which the judgment was ~~entered.~~entered, and (ii) is assigned pursuant to this section to review the motion for appropriate relief and take the appropriate administrative action to dispense with the motion.

(b) The judge who presided at the trial is empowered to act upon a motion for appropriate relief made pursuant to G.S. 15A-1414. ~~He~~ The judge may act even though ~~he~~ the judge is in another district or even though ~~his~~ the judge's commission has ~~expired.~~ expired; however, if the judge who presided at the trial is still unavailable to act, the senior resident superior court judge or the chief district court judge, as appropriate, shall assign a judge who is empowered to act under subsection (a) of this section.

~~(c) When a motion for appropriate relief may be made before a judge who did not hear the case, he may, if it is practicable to do so, refer all or a part of the matter for decision to the judge who heard the case.~~

(d) All motions for appropriate relief filed in superior court shall, when filed, be referred to the senior resident superior court judge who shall assign the motion as provided by this section for review and administrative action, including, as may be appropriate dismissal, calendaring for hearing, entry of a scheduling order for subsequent events in the case, or other appropriate actions.

All motions for appropriate relief filed in district court shall, when filed, be referred to the chief district court judge who shall assign the motion as provided by this section for review and administrative action, including, as may be appropriate dismissal, calendaring for hearing, entry of a scheduling order for subsequent events in the case, or other appropriate actions.

(e) The assignment of a motion for appropriate relief filed under G.S. 15A-1415 is in the discretion of the senior resident superior court judge or chief district court judge as appropriate. However, when practicable, a motion for appropriate relief filed under G.S. 15A-

1415 shall be assigned for review and administrative action to the judge who presided at the trial, accepted the guilty plea, or imposed the sentence depending on the nature of the relief sought."

SECTION 2.(b) G.S. 15A-1420 reads as rewritten:

"**§ 15A-1420. Motion for appropriate relief; procedure.**

(a) Form, Service, Filing.

(1) A motion for appropriate relief must:

a. Be made in writing unless it is made:

1. In open court;
2. Before the judge who presided at trial;
3. Before the end of the session if made in superior court; and
4. Within 10 days after entry of judgment;

b. State the grounds for the motion;

c. Set forth the relief sought;

c1. If the motion for appropriate relief is being made in superior court and is being made by an attorney, the attorney must certify in writing that there is a sound legal basis for the motion and that it is being made in good faith; and that the attorney has notified both the district attorney's office and the attorney who initially represented the defendant of the motion; and further, that the attorney has reviewed the trial transcript or made a good-faith determination that the nature of the relief sought in the motion does not require that the trial transcript be read in its entirety. In the event that the trial transcript is unavailable, instead of certifying that the attorney has read the trial transcript, the attorney shall set forth in writing what efforts were undertaken to locate the transcript; and

d. Be timely filed.

(2) A written motion for appropriate relief must be served in the manner provided in G.S. 15A-951(b). When the written motion is made more than 10 days after entry of judgment, service of the motion and a notice of hearing must be made not less than five working days prior to the date of the hearing. When a motion for appropriate relief is permitted to be made orally the court must determine whether the matter may be heard immediately or at a later time. If the opposing party, or his counsel if he is represented, is not present, the court must provide for the giving of adequate notice of the motion and the date of hearing to the opposing party, or his counsel if he is represented by counsel.

(3) A written motion for appropriate relief must be filed in the manner provided in G.S. 15A-951(c).

(4) An oral or written motion for appropriate relief may not be granted in district court without the signature of the district attorney, indicating that the State has had an opportunity to consent or object to the motion. However, the court may grant a motion for appropriate relief without the district attorney's signature 10 business days after the district attorney has been notified in open court of the motion, or served with the motion pursuant to G.S. 15A-951(c).

(5) An oral or written motion for appropriate relief made in superior court and made by an attorney may not be granted by the court unless the attorney has complied with the requirements of sub-subdivision c1. of subdivision (1) of this subsection.

(b) Supporting Affidavits.

(1) A motion for appropriate relief made after the entry of judgment must be supported by affidavit or other documentary evidence if based upon the existence or occurrence of facts which are not ascertainable from the records and any transcript of the case or which are not within the knowledge of the judge who hears the motion.

(2) The opposing party may file affidavits or other documentary evidence.

(b1) Filing Motion With ~~Clerk; Review of Motion by Judge.~~Clerk.

(1) The proceeding shall be commenced by filing with the clerk of superior court of the district wherein the defendant was indicted a motion, with service on the district attorney in noncapital cases, and service on both the district attorney and Attorney General in capital cases.

(2) The clerk, upon receipt of the motion, shall place the motion on the criminal docket. ~~The clerk shall promptly bring the motion, or a copy of the motion, to the attention of the resident judge or any judge holding court in the county or district.~~ When a motion is placed on the criminal docket, the clerk shall promptly bring the motion, or a copy of the motion, to the attention of the senior resident superior court judge or chief district court judge, as appropriate, for assignment to the appropriate judge pursuant to G.S. 15A-1413.

(b2) Noncapital Cases: Assignment of Motion for Review; Initial Review of Motion; Time-frame for Hearings and Ruling on Motion.

(1) ~~In noncapital cases, the judge shall review the motion and enter an order whether the defendant should be allowed to proceed without the payment of costs, with respect to the appointment of counsel, and directing the State, if necessary, to file an answer.~~ In noncapital cases, the resident superior court judge or chief district court judge, as appropriate, shall, within 30 days of the filing of the motion, assign the motion for initial review to the appropriate judge as provided in G.S. 15A-1413.

(2) The assigned judge, no later than 30 working days after the assignment, shall review the motion and issue a written initial review order that concludes the initial review of the motion in one of the following manners: (i) by dismissing the motion for lack of merit on its face, (ii) by directing the State, if necessary, to file an answer within 30 days of the date of the initial review order, or (iii) by dispensing with the requirement that the State file an answer and instead order a hearing. Unless the motion is dismissed, the initial review order shall also indicate whether the defendant shall be allowed to proceed without the payment of costs; indicate whether counsel shall be appointed; and calendar a hearing on the motion within the appropriate time-period as set out in subdivision (3) of this subsection.

(3) Unless provided otherwise by this subsection, if the court determines that an evidentiary hearing is required, then the hearing must be held within 90 days from the date on which the initial review order was issued; if no evidentiary hearing is required, then the hearing must be held within 60 days from the date on which the initial review order was issued. If, in the initial review order, the court orders the State to file an answer and the court determines that an evidentiary hearing is required, then the evidentiary hearing must be held within 150 days from the date on which the initial review order was issued; if the court determines that the hearing is not an evidentiary hearing then the hearing must be held within 120 days from the date on which the initial review order was issued. A notice of hearing must be made not less than five working days prior to the date of any hearing. The court, except

for good cause shown as provided in subdivision (4) of this subsection, must rule on a motion within 60 days from the date that the hearing concludes.

(4) Notwithstanding any other provision of this subsection, the court may, upon request of a party to the motion, grant an extension of time to comply with any deadline under this subsection, not to exceed 30 days. No subsequent request by the party to extend this deadline shall be granted unless the court enters a written order containing detailed findings of fact of extraordinary circumstances. Notwithstanding any other provision of this subsection, the senior resident superior court judge or chief district court judge, as appropriate, may, upon request of a judge assigned to review a motion for appropriate relief, grant to the assigned judge an extension of time to comply with any deadline under this subsection, not to exceed 30 days. No subsequent request by the assigned judge to extend this deadline shall be granted unless the senior resident superior court judge or the chief district court judge, as appropriate, enters a written order containing detailed findings of fact of extraordinary circumstances. The failure of the court to comply with the deadlines under this subsection is grounds for any party to petition the senior resident superior court judge or the chief district court judge, as appropriate, to reassign the motion of appropriate relief to a different judge empowered to act upon a motion for appropriate relief. The failure of the court to comply with the deadlines under this subsection also entitles any party to the motion for appropriate relief to seek a writ of mandamus to obtain compliance with the deadline.

(5) Notwithstanding any other provision of this subsection, failure to meet a deadline under this subsection is not a ground for the summary granting of a motion for appropriate relief or other summary relief, including without limitation, ordering the release of the prisoner.

(b3) Capital Cases: Review and Calendaring of Motion.

In capital cases, the judge shall review the motion and enter an order directing the State to file its answer within 60 days of the date of the order. If a hearing is necessary, the judge shall calendar the case for hearing without unnecessary delay.

(c) Hearings, Showing of Prejudice; Findings.

(1) Any party is entitled to a hearing on questions of law or fact arising from the motion and any supporting or opposing information presented unless the court determines that the motion is without merit. The court must determine, on the basis of these materials and the requirements of this subsection, whether an evidentiary hearing is required to resolve questions of fact. Upon the motion of either party, the judge may direct the attorneys for the parties to appear before him for a conference on any prehearing matter in the case.

(2) An evidentiary hearing is not required when the motion is made in the trial court pursuant to G.S. 15A-1414, but the court may hold an evidentiary hearing if it is appropriate to resolve questions of fact.

(3) The court must determine the motion without an evidentiary hearing when the motion and supporting and opposing information present only questions of law. The defendant has no right to be present at such a hearing where only questions of law are to be argued.

(4) If the court cannot rule upon the motion without the hearing of evidence, it must conduct a hearing for the taking of evidence, and must make findings of fact. The defendant has a right to be present at the evidentiary hearing and to be represented by counsel. A waiver of the right to be present must be in writing.

(5) If an evidentiary hearing is held, the moving party has the burden of proving by a preponderance of the evidence every fact essential to support the motion.

(6) A defendant who seeks relief by motion for appropriate relief must show the existence of the asserted ground for relief. Relief must be denied unless prejudice appears, in accordance with G.S. 15A-1443.

(7) The court must rule upon the motion and enter its order accordingly. When the motion is based upon an asserted violation of the rights of the defendant under the Constitution or laws or treaties of the United States, the court must make and enter conclusions of law and a statement of the reasons for its determination to the extent required, when taken with other records and transcripts in the case, to indicate whether the defendant has had a full and fair hearing on the merits of the grounds so asserted.

(d) Action on Court's Own Motion. – At any time that a defendant would be entitled to relief by motion for appropriate relief, the court may grant such relief upon its own motion. The court must cause appropriate notice to be given to the parties."

SECTION 3. G.S. 20-13.3 reads as rewritten:

"**§ 20-13.3. Immediate civil license revocation for provisional licensees charged with certain offenses.**

(a) Definitions. — As used in this section, the following words and phrases have the following meanings:

(1) Clerk. — As defined in G.S. 15A-101(2).

(2) Criminal moving violation. — A violation of Part 9 or 10 of Article 3 of this Chapter which is punishable as a misdemeanor or a felony offense. This term does not include the offenses listed in the third paragraph of G.S. 20-16(c) for which no points are assessed, nor does it include equipment violations specified in Part 9 of Article 3 of this Chapter.

(3) Judicial official. — As defined in G.S. 15A-101(5).

(4) Provisional licensee. — A person under the age of 18 who has a limited learner's permit, a limited provisional license, or a full provisional license issued pursuant to G.S. 20-11.

(5) Revocation report. — A sworn statement by a law enforcement officer containing facts indicating that the conditions of subsection (b) of this section have been met.

(b) Revocations for Provisional Licensees Charged With Criminal Moving Violation. — A provisional licensee's permit or license is subject to revocation under this section if a law enforcement officer has reasonable grounds to believe that the provisional licensee has committed a criminal moving violation, the provisional licensee is charged with that offense, and the provisional licensee is not subject to a civil revocation pursuant to G.S. 20-16.5.

(c) Duty of Law Enforcement Officers to Notify Provisional Licensee and Report to Judicial Officials. — If a provisional licensee's permit or license is subject to revocation under this section, the law enforcement officer must execute a revocation ~~report and must take the provisional licensee before a judicial official for an initial appearance.~~report. It is the specific duty of the law enforcement officer to make sure that the report is expeditiously filed with a judicial official as required by this section. If no initial appearance is required on the underlying criminal moving violation at the time of the issuance of the citation, the law enforcement officer must verbally notify the provisional licensee that the provisional licensee's permit or license is subject to revocation pursuant to this section and must provide the provisional licensee with written notice of the process for revocation and hearing under this section.

(c1) Which Judicial Official Must Receive Report. – The judicial official with whom the revocation report must be filed is:

(1) The judicial official conducting the initial appearance on the underlying criminal moving violation.

(2) The clerk of superior court in the county in which the underlying criminal charge has been brought if no initial appearance is required.

(d) ~~Judicial Official Must Receive Report; Procedure Upon Receipt of Report.~~Procedure if Report Filed with Judicial Official When Provisional Licensee is Present. — ~~The~~ If an initial appearance is required, the law enforcement officer must file the revocation report with the judicial official conducting the initial appearance on the underlying criminal moving violation. If a properly executed revocation report concerning a provisional licensee is filed with a judicial official when the person is present before that official, the judicial official shall, after completing any other proceedings involving the provisional licensee, determine whether there is probable cause to believe that the conditions of subsection (b) of this section have been met. If the judicial official determines there is such probable cause, the judicial official shall enter an order revoking the provisional licensee's permit or license. In addition to setting it out in the order the judicial official shall personally inform the provisional licensee of the right to a hearing as specified in subsection (d2) and that the provisional licensee's permit or license remains revoked pending the hearing. The period of revocation is for 30 days and begins at the time the revocation order is issued and continues for 30 additional calendar days. The judicial official shall give the provisional licensee a copy of the revocation order, which shall include the beginning date of the revocation and shall clearly state the final day of the revocation period and the date on which the provisional licensee's permit or license will again become valid. The provisional licensee shall not be required to surrender the provisional licensee's permit or license; however, the provisional licensee shall not be authorized to drive at any time or for any purpose during the period of revocation.

(d1) Procedure if Report Filed with Clerk of Court When Provisional Licensee Not Present. – When a clerk receives a properly executed report under subdivision (c1)(2) and the provisional licensee named in the revocation report is not present before the clerk, the clerk shall determine whether there is probable cause to believe that the conditions of subsection (b) have been met. If the clerk determines there is such probable cause, the clerk shall mail to the provisional licensee a revocation order by first-class mail. The order shall inform the provisional licensee that the period of revocation is for 30 days, that the revocation becomes effective on the fourth day after the order is deposited in the United States mail and continues for 30 additional calendar days, of the right to a hearing as specified in subsection (d2), and that the revocation remains in effect pending the hearing. The provisional licensee shall not be required to surrender the provisional licensee's permit or license; however, the provisional licensee shall not be authorized to drive at any time or for any purpose during the period of revocation.

(d2) Hearing before Magistrate or Judge if Provisional Licensee Contests Validity of Revocation. – A provisional licensee whose permit or license is revoked under this section may request in writing a hearing to contest the validity of the revocation. The request may be made at the time of the person's initial appearance, or within 10 days of the effective date of the revocation to the clerk or a magistrate designated by the clerk, and may specifically request that the hearing be conducted by a district court judge. The Administrative Office of the Courts must develop a hearing request form for any provisional licensee requesting a hearing. Unless a district court judge is requested, the hearing must be conducted within the county by a magistrate assigned by the chief district court judge to conduct such hearings. If the provisional licensee requests that a district court judge hold the hearing, the hearing must be conducted within the district court district as defined in G.S. 7A-133 by a district court judge assigned to conduct such hearings. The revocation remains in effect pending the hearing, but the hearing must be held within three working days following the request if the hearing is before a magistrate or within five working days if the hearing is before a district court judge. The

request for the hearing must specify the grounds upon which the validity of the revocation is challenged and the hearing must be limited to the grounds specified in the request. A witness may submit his evidence by affidavit unless he is subpoenaed to appear. Any person who appears and testifies is subject to questioning by the judicial official conducting the hearing, and the judicial official may adjourn the hearing to seek additional evidence if he is not satisfied with the accuracy or completeness of evidence. The provisional licensee contesting the validity of the revocation may, but is not required to, testify in his own behalf. Unless contested by the person requesting the hearing, the judicial official may accept as true any matter stated in the revocation report. If any relevant condition under subsection (b) is contested, the judicial official must find by the greater weight of the evidence that the condition was met in order to sustain the revocation. At the conclusion of the hearing the judicial official must enter an order sustaining or rescinding the revocation. The judicial official's findings are without prejudice to the provisional licensee contesting the revocation and to any other potential party as to any other proceedings, civil or criminal, that may involve facts bearing upon the conditions in subsection (b) considered by the judicial official. The decision of the judicial official is final and may not be appealed in the General Court of Justice. If the hearing is not held and completed within three working days of the written request for a hearing before a magistrate or within five working days of the written request for a hearing before a district court judge, the judicial official must enter an order rescinding the revocation, unless the provisional licensee contesting the revocation contributed to the delay in completing the hearing. If the provisional licensee requesting the hearing fails to appear at the hearing or any rescheduling thereof after having been properly notified, the provisional licensee forfeits his right to a hearing.

(e) Report to Division. — The clerk shall notify the Division of the issuance of a revocation order pursuant to this section within two business days of the issuance of the revocation order. The notification shall identify the person whose provisional license has been revoked and specify the beginning and end date of the revocation period.

(f) Effect of Revocations. — A revocation under this section revokes a provisional licensee's privilege to drive in North Carolina. Revocations under this section are independent of and run concurrently with any other revocations, except for a revocation pursuant to G.S. 20-16.5. Any civil revocation issued pursuant to G.S. 20-16.5 for the same underlying conduct as a revocation under this section shall have the effect of terminating a revocation pursuant to this section. No court imposing a period of revocation following conviction for an offense involving impaired driving may give credit for any period of revocation imposed under this section. A person whose license is revoked pursuant to this section is not eligible to receive a limited driving privilege.

(g) Designation of Proceedings. — Proceedings under this section are civil actions and must be identified by the caption "In the Matter of _____" and filed as directed by the Administrative Office of the Courts.

(h) No drivers license points or insurance surcharge shall be assessed for a revocation pursuant to this section. Possession of a drivers license revoked pursuant to this section shall not be a violation of G.S. 20-30.

(i) The Administrative Office of the Courts shall adopt forms to implement this section."

SECTION 4. G.S. 18C-151 reads as rewritten:

"**§ 18C-151. Contracts.**

(a) Except as otherwise specifically provided in this subsection for contracts for the purchase of services, apparatus, supplies, materials, or equipment, Article 8 of Chapter 143 of the General Statutes, including the provisions relating to minority participation goals, shall apply to contracts entered into by the Commission. If this subsection and Article 8 of Chapter 143 are in conflict, the provisions of this subsection shall control. In recognition of the particularly sensitive nature of the Lottery and the competence, quality of product, experience,

and timeliness, fairness, and integrity in the operation and administration of the Lottery and maximization of the objective of raising revenues, a contract for the purchase of services, apparatus, supplies, materials, or equipment requiring an estimated aggregate expenditure of ~~ninety thousand dollars ($90,000)~~ three hundred thousand dollars ($300,000) or more may be awarded by the Commission only after the following have occurred:

(1) The Commission has invited proposals to be submitted by advertisement by electronic means or advertisement in a newspaper having general circulation in the State of North Carolina and containing the following information:
   a. The time and place where a complete description of the services, apparatus, supplies, materials, or equipment may be had.
   b. The time and place for opening of the proposals.
   c. A statement reserving to the Commission the right to reject any or all proposals.

(2) Proposals may be rejected for any reason determined by the Commission to be in the best interest of the Lottery.

(3) All proposals shall be accompanied by a bond or letter of credit in an amount equal to not less than five percent (5%) of the proposal and the fee to cover the cost of the criminal record check conducted under G.S. 114-19.6.

(4) The Commission has complied with the minority participation goals of G.S. 143-128.2 and G.S. 143-128.3.

(5) The Commission may not award a contract to a lottery potential contractor who has been convicted of a felony or any gambling offense in any state or federal court of the United States within 10 years of entering into the contract, or employs officers and directors who have been convicted of a felony or any gambling offense in any state or federal court of the United States within 10 years of entering into the contract.

(6) The Commission shall investigate and compare the overall business practices, ethical reputation, criminal record, civil litigation, competence, integrity, background, and regulatory compliance record of lottery potential contractors.

(7) The Commission may engage an independent firm experienced in evaluating government procurement proposals to aid in evaluating proposals for a major procurement.

(8) The Commission shall award the contract to the responsible lottery potential contractor or lottery supplier who submits the best proposal that maximizes the benefits to the State.

(b) Upon the completion of the bidding process, a contract may be awarded to a lottery contractor or lottery supplier with whom the Commission has previously contracted for the same purposes.

(c) Before a contract is awarded, the Director shall conduct a thorough background investigation of all of the following:

(1) The potential contractor to whom the contract is to be awarded.

(2) Any parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

(3) All shareholders with a five percent (5%) or more interest in the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded. For purposes of this subdivision, shareholders shall mean any natural person or those individuals with capabilities to make operating decisions for the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

(4) All officers and directors of the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

(d) The Commission may terminate the contract, without penalty, of a lottery contractor that fails to comply with the Commission's instruction to implement the recommendations of the State Auditor or an independent auditor in an audit conducted of Lottery security or operations.

(e) After entering into a contract with a lottery contractor, the Commission shall require the lottery contractor to periodically update the information required to be disclosed under G.S. 18C-152(c). Any contract with a lottery contractor who does not periodically update the required disclosures may be terminated by the Commission.

(f) No lottery contractor, potential contractor, or lottery supplier may pay, give, or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service, excluding food and beverages having an aggregate value not exceeding one hundred dollars ($100.00) in any calendar year, to the Director, any member or employee of the corporation, or a member of the immediate family residing in the same household as any of these individuals."

SECTION 5. Section 5 of S.L. 2011-236 reads as rewritten:

"**SECTION 5.** This act becomes effective October 1, 2011, and applies to agreements executed on or after that date. Agreements executed prior to October 1, 2011, remain subject to the laws in effect at the time the parties executed the ~~agreement.~~agreement; differences in wording between procedures authorized to establish agreements under the laws repealed by this act and under the superseding laws enacted by this act clarify the permitted procedures under the repealed laws."

SECTION 6. Section 1 of this act becomes effective September 1, 2012, and applies to offenses committed on or after that date. Section 2 of this act becomes effective December 1, 2012, and applies to motions for appropriate relief filed on or after that date. Section 3 of this act becomes effective on December 1, 2012, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 141
Judiciary II Committee Substitute Adopted 4/13/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S141-CSRC-66 [v.8]

6/19/2012 9:40:47 AM

Short Title: Law Enforcement/Various Other Changes. (Public)

Sponsors:

Referred to:

February 28, 2011

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AN ACT TO CREATE NEW FELONY FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO INCREASE THE BENCHMARK FOR PUBLICLY BIDDING LOTTERY COMMISSION CONTRACTS, TO MODIFY THE LOTTERY COMMISSION CONFLICT OF INTEREST PROVISIONS, AND TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS.

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"**§ 14-159.12. First degree trespass.**

(a) Offense. – A person commits the offense of first degree trespass if, without authorization, he enters or remains:

(1) On premises of another so enclosed or secured as to demonstrate clearly an intent to keep out intruders; or

(2) In a building of another.

(b) Misdemeanor Classification. – First degree trespass is a Class 2 ~~misdemeanor.~~misdemeanor except as provided otherwise by subsection (c) of this section.

(c) Felony Classification. – An offense under subsection (a) of this section is punishable as a felony in the following circumstances:

(1) Except as provided otherwise in subdivision (2) of this subsection, the offense is a Class I felony if it is committed on the premises of any of the following:

a. A facility that is owned or operated by an electric power supplier as defined in G.S. 62-133.8(a)(3) and that is either an electric generation facility, a transmission substation, a transmission switching station, a transmission switching structure, or a control center used to manage transmission operations or electrical power-generating at multiple plant locations.

b. A dam or reservoir that is used by an electric power supplier as defined in G.S. 62-138(a)(3) to generate hydroelectric power.

c. Any facility used or available for use in the collection, treatment, testing, storing, pumping, or distribution of water for a public water system.

d. Any facility, including any liquefied natural gas storage facility or propane-air facility, that is owned or operated by a natural gas local distribution company, natural gas pipeline carrier operating under a certificate of public convenience and necessity from the Utilities Commission, municipal corporation operating a municipally-owned gas distribution system, or regional natural gas district organized and operated pursuant to Article 28 of Chapter 160A of the General Statutes used for transmission, distribution, measurement, testing, regulating, compression, control, or storage of natural gas.

(2) If, in addition to the circumstances set out in subdivision (1) of this subsection, the offense also includes any of the following elements, then the offense is a Class H felony :

a. The offense is committed with the intent to disrupt the normal operation of any of the facilities, dams, or reservoirs described in subdivision (1) of this subsection.

b. The offense involves an act that places either the offender or others on the premises at risk of serious bodily injury.

c. The offense is committed by three or more persons acting in concert."

SECTION 2.(a) G.S. 15A-1413 reads as rewritten:

"**§ 15A-1413. Trial judges empowered to act.**

(a) A motion for appropriate relief made pursuant to G.S. 15A-1415 may be heard and determined in the trial division by any judge ~~who~~ who: (i) is empowered to act in criminal matters 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, in which the judgment was ~~entered.~~entered, and (ii) is assigned pursuant to this section to review the motion for appropriate relief and take the appropriate administrative action to dispense with the motion.

(b) The judge who presided at the trial is empowered to act upon a motion for appropriate relief made pursuant to G.S. 15A-1414. ~~He~~ The judge may act even though ~~he~~ the judge is in another district or even though ~~his~~ the judge's commission has ~~expired.~~ expired; however, if the judge who presided at the trial is still unavailable to act, the senior resident superior court judge or the chief district court judge, as appropriate, shall assign a judge who is empowered to act under subsection (a) of this section.

~~(c) When a motion for appropriate relief may be made before a judge who did not hear the case, he may, if it is practicable to do so, refer all or a part of the matter for decision to the judge who heard the case.~~

(d) All motions for appropriate relief filed in superior court shall, when filed, be referred to the senior resident superior court judge who shall assign the motion as provided by this section for review and administrative action, including, as may be appropriate dismissal, calendaring for hearing, entry of a scheduling order for subsequent events in the case, or other appropriate actions.

All motions for appropriate relief filed in district court shall, when filed, be referred to the chief district court judge who shall assign the motion as provided by this section for review and administrative action, including, as may be appropriate dismissal, calendaring for hearing, entry of a scheduling order for subsequent events in the case, or other appropriate actions.

(e) The assignment of a motion for appropriate relief filed under G.S. 15A-1415 is in the discretion of the senior resident superior court judge or chief district court judge as appropriate. However, when practicable, a motion for appropriate relief filed under G.S. 15A-

1415 shall be assigned for review and administrative action to the judge who presided at the trial, accepted the guilty plea, or imposed the sentence depending on the nature of the relief sought."

SECTION 2.(b) G.S. 15A-1420 reads as rewritten:

"**§ 15A-1420. Motion for appropriate relief; procedure.**

(a) Form, Service, Filing.

(1) A motion for appropriate relief must:

a. Be made in writing unless it is made:

1. In open court;
2. Before the judge who presided at trial;
3. Before the end of the session if made in superior court; and
4. Within 10 days after entry of judgment;

b. State the grounds for the motion;

c. Set forth the relief sought;

c1. If the motion for appropriate relief is being made in superior court and is being made by an attorney, the attorney must certify in writing that there is a sound legal basis for the motion and that it is being made in good faith; and that the attorney has notified both the district attorney's office and the attorney who initially represented the defendant of the motion; and further, that the attorney has reviewed the trial transcript or made a good-faith determination that the nature of the relief sought in the motion does not require that the trial transcript be read in its entirety. In the event that the trial transcript is unavailable, instead of certifying that the attorney has read the trial transcript, the attorney shall set forth in writing what efforts were undertaken to locate the transcript; and

d. Be timely filed.

(2) A written motion for appropriate relief must be served in the manner provided in G.S. 15A-951(b). When the written motion is made more than 10 days after entry of judgment, service of the motion and a notice of hearing must be made not less than five working days prior to the date of the hearing. When a motion for appropriate relief is permitted to be made orally the court must determine whether the matter may be heard immediately or at a later time. If the opposing party, or his counsel if he is represented, is not present, the court must provide for the giving of adequate notice of the motion and the date of hearing to the opposing party, or his counsel if he is represented by counsel.

(3) A written motion for appropriate relief must be filed in the manner provided in G.S. 15A-951(c).

(4) An oral or written motion for appropriate relief may not be granted in district court without the signature of the district attorney, indicating that the State has had an opportunity to consent or object to the motion. However, the court may grant a motion for appropriate relief without the district attorney's signature 10 business days after the district attorney has been notified in open court of the motion, or served with the motion pursuant to G.S. 15A-951(c).

(5) An oral or written motion for appropriate relief made in superior court and made by an attorney may not be granted by the court unless the attorney has complied with the requirements of sub-subdivision c1. of subdivision (1) of this subsection.

(b) Supporting Affidavits.

(1) A motion for appropriate relief made after the entry of judgment must be supported by affidavit or other documentary evidence if based upon the existence or occurrence of facts which are not ascertainable from the records and any transcript of the case or which are not within the knowledge of the judge who hears the motion.

(2) The opposing party may file affidavits or other documentary evidence.

(b1) Filing Motion With ~~Clerk; Review of Motion by Judge.~~Clerk.

(1) The proceeding shall be commenced by filing with the clerk of superior court of the district wherein the defendant was indicted a motion, with service on the district attorney in noncapital cases, and service on both the district attorney and Attorney General in capital cases.

(2) The clerk, upon receipt of the motion, shall place the motion on the criminal docket. ~~The clerk shall promptly bring the motion, or a copy of the motion, to the attention of the resident judge or any judge holding court in the county or district.~~ When a motion is placed on the criminal docket, the clerk shall promptly bring the motion, or a copy of the motion, to the attention of the senior resident superior court judge or chief district court judge, as appropriate, for assignment to the appropriate judge pursuant to G.S. 15A-1413.

(b2) Noncapital Cases: Assignment of Motion for Review; Initial Review of Motion; Time-frame for Hearings and Ruling on Motion.

(1) ~~In noncapital cases, the judge shall review the motion and enter an order whether the defendant should be allowed to proceed without the payment of costs, with respect to the appointment of counsel, and directing the State, if necessary, to file an answer.~~ In noncapital cases, the resident superior court judge or chief district court judge, as appropriate, shall, within 30 days of the filing of the motion, assign the motion for initial review to the appropriate judge as provided in G.S. 15A-1413.

(2) The assigned judge, no later than 30 working days after the assignment, shall review the motion and issue a written initial review order that concludes the initial review of the motion in one of the following manners: (i) by dismissing the motion for lack of merit on its face, (ii) by directing the State, if necessary, to file an answer within 30 days of the date of the initial review order, or (iii) by dispensing with the requirement that the State file an answer and instead order a hearing. Unless the motion is dismissed, the initial review order shall also indicate whether the defendant shall be allowed to proceed without the payment of costs; indicate whether counsel shall be appointed; and calendar a hearing on the motion within the appropriate time-period as set out in subdivision (3) of this subsection.

(3) Unless provided otherwise by this subsection, if the court determines that an evidentiary hearing is required, then the hearing must be held within 90 days from the date on which the initial review order was issued; if no evidentiary hearing is required, then the hearing must be held within 60 days from the date on which the initial review order was issued. If, in the initial review order, the court orders the State to file an answer and the court determines that an evidentiary hearing is required, then the evidentiary hearing must be held within 150 days from the date on which the initial review order was issued; if the court determines that the hearing is not an evidentiary hearing then the hearing must be held within 120 days from the date on which the initial review order was issued. A notice of hearing must be made not less than five working days prior to the date of any hearing. The court, except

for good cause shown as provided in subdivision (4) of this subsection, must rule on a motion within 60 days from the date that the hearing concludes.

(4) Notwithstanding any other provision of this subsection, the court may, upon request of a party to the motion, grant an extension of time to comply with any deadline under this subsection, not to exceed 30 days. No subsequent request by the party to extend this deadline shall be granted unless the court enters a written order containing detailed findings of fact of extraordinary circumstances. Notwithstanding any other provision of this subsection, the senior resident superior court judge or chief district court judge, as appropriate, may, upon request of a judge assigned to review a motion for appropriate relief, grant to the assigned judge an extension of time to comply with any deadline under this subsection, not to exceed 30 days. No subsequent request by the assigned judge to extend this deadline shall be granted unless the senior resident superior court judge or the chief district court judge, as appropriate, enters a written order containing detailed findings of fact of extraordinary circumstances. The failure of the court to comply with the deadlines under this subsection is grounds for any party to petition the senior resident superior court judge or the chief district court judge, as appropriate, to reassign the motion of appropriate relief to a different judge empowered to act upon a motion for appropriate relief. The failure of the court to comply with the deadlines under this subsection also entitles any party to the motion for appropriate relief to seek a writ of mandamus to obtain compliance with the deadline.

(5) Notwithstanding any other provision of this subsection, failure to meet a deadline under this subsection is not a ground for the summary granting of a motion for appropriate relief or other summary relief, including without limitation, ordering the release of the prisoner.

(b3) Capital Cases: Review and Calendaring of Motion.

In capital cases, the judge shall review the motion and enter an order directing the State to file its answer within 60 days of the date of the order. If a hearing is necessary, the judge shall calendar the case for hearing without unnecessary delay.

(c) Hearings, Showing of Prejudice; Findings.

(1) Any party is entitled to a hearing on questions of law or fact arising from the motion and any supporting or opposing information presented unless the court determines that the motion is without merit. The court must determine, on the basis of these materials and the requirements of this subsection, whether an evidentiary hearing is required to resolve questions of fact. Upon the motion of either party, the judge may direct the attorneys for the parties to appear before him for a conference on any prehearing matter in the case.

(2) An evidentiary hearing is not required when the motion is made in the trial court pursuant to G.S. 15A-1414, but the court may hold an evidentiary hearing if it is appropriate to resolve questions of fact.

(3) The court must determine the motion without an evidentiary hearing when the motion and supporting and opposing information present only questions of law. The defendant has no right to be present at such a hearing where only questions of law are to be argued.

(4) If the court cannot rule upon the motion without the hearing of evidence, it must conduct a hearing for the taking of evidence, and must make findings of fact. The defendant has a right to be present at the evidentiary hearing and to be represented by counsel. A waiver of the right to be present must be in writing.

(5) If an evidentiary hearing is held, the moving party has the burden of proving by a preponderance of the evidence every fact essential to support the motion.

(6) A defendant who seeks relief by motion for appropriate relief must show the existence of the asserted ground for relief. Relief must be denied unless prejudice appears, in accordance with G.S. 15A-1443.

(7) The court must rule upon the motion and enter its order accordingly. When the motion is based upon an asserted violation of the rights of the defendant under the Constitution or laws or treaties of the United States, the court must make and enter conclusions of law and a statement of the reasons for its determination to the extent required, when taken with other records and transcripts in the case, to indicate whether the defendant has had a full and fair hearing on the merits of the grounds so asserted.

(d) Action on Court's Own Motion. – At any time that a defendant would be entitled to relief by motion for appropriate relief, the court may grant such relief upon its own motion. The court must cause appropriate notice to be given to the parties."

SECTION 3. G.S. 20-13.3 reads as rewritten:

"**§ 20-13.3. Immediate civil license revocation for provisional licensees charged with certain offenses.**

(a) Definitions. — As used in this section, the following words and phrases have the following meanings:

(1) Clerk. — As defined in G.S. 15A-101(2).

(2) Criminal moving violation. — A violation of Part 9 or 10 of Article 3 of this Chapter which is punishable as a misdemeanor or a felony offense. This term does not include the offenses listed in the third paragraph of G.S. 20-16(c) for which no points are assessed, nor does it include equipment violations specified in Part 9 of Article 3 of this Chapter.

(3) Judicial official. — As defined in G.S. 15A-101(5).

(4) Provisional licensee. — A person under the age of 18 who has a limited learner's permit, a limited provisional license, or a full provisional license issued pursuant to G.S. 20-11.

(5) Revocation report. — A sworn statement by a law enforcement officer containing facts indicating that the conditions of subsection (b) of this section have been met.

(b) Revocations for Provisional Licensees Charged With Criminal Moving Violation. — A provisional licensee's permit or license is subject to revocation under this section if a law enforcement officer has reasonable grounds to believe that the provisional licensee has committed a criminal moving violation, the provisional licensee is charged with that offense, and the provisional licensee is not subject to a civil revocation pursuant to G.S. 20-16.5.

(c) Duty of Law Enforcement Officers to Notify Provisional Licensee and Report to Judicial Officials. — If a provisional licensee's permit or license is subject to revocation under this section, the law enforcement officer must execute a revocation ~~report and must take the provisional licensee before a judicial official for an initial appearance.~~report. It is the specific duty of the law enforcement officer to make sure that the report is expeditiously filed with a judicial official as required by this section. If no initial appearance is required on the underlying criminal moving violation at the time of the issuance of the citation, the law enforcement officer must verbally notify the provisional licensee that the provisional licensee's permit or license is subject to revocation pursuant to this section and must provide the provisional licensee with written notice of the process for revocation and hearing under this section.

(c1) Which Judicial Official Must Receive Report. – The judicial official with whom the revocation report must be filed is:

(1) The judicial official conducting the initial appearance on the underlying criminal moving violation.

(2) The clerk of superior court in the county in which the underlying criminal charge has been brought if no initial appearance is required.

(d) ~~Judicial Official Must Receive Report; Procedure Upon Receipt of Report.~~Procedure if Report Filed with Judicial Official When Provisional Licensee is Present. — ~~The~~ If an initial appearance is required, the law enforcement officer must file the revocation report with the judicial official conducting the initial appearance on the underlying criminal moving violation. If a properly executed revocation report concerning a provisional licensee is filed with a judicial official when the person is present before that official, the judicial official shall, after completing any other proceedings involving the provisional licensee, determine whether there is probable cause to believe that the conditions of subsection (b) of this section have been met. If the judicial official determines there is such probable cause, the judicial official shall enter an order revoking the provisional licensee's permit or license. In addition to setting it out in the order the judicial official shall personally inform the provisional licensee of the right to a hearing as specified in subsection (d2) and that the provisional licensee's permit or license remains revoked pending the hearing. The period of revocation is for 30 days and begins at the time the revocation order is issued and continues for 30 additional calendar days. The judicial official shall give the provisional licensee a copy of the revocation order, which shall include the beginning date of the revocation and shall clearly state the final day of the revocation period and the date on which the provisional licensee's permit or license will again become valid. The provisional licensee shall not be required to surrender the provisional licensee's permit or license; however, the provisional licensee shall not be authorized to drive at any time or for any purpose during the period of revocation.

(d1) Procedure if Report Filed with Clerk of Court When Provisional Licensee Not Present. – When a clerk receives a properly executed report under subdivision (c1)(2) and the provisional licensee named in the revocation report is not present before the clerk, the clerk shall determine whether there is probable cause to believe that the conditions of subsection (b) have been met. If the clerk determines there is such probable cause, the clerk shall mail to the provisional licensee a revocation order by first-class mail. The order shall inform the provisional licensee that the period of revocation is for 30 days, that the revocation becomes effective on the fourth day after the order is deposited in the United States mail and continues for 30 additional calendar days, of the right to a hearing as specified in subsection (d2), and that the revocation remains in effect pending the hearing. The provisional licensee shall not be required to surrender the provisional licensee's permit or license; however, the provisional licensee shall not be authorized to drive at any time or for any purpose during the period of revocation.

(d2) Hearing before Magistrate or Judge if Provisional Licensee Contests Validity of Revocation. – A provisional licensee whose permit or license is revoked under this section may request in writing a hearing to contest the validity of the revocation. The request may be made at the time of the person's initial appearance, or within 10 days of the effective date of the revocation to the clerk or a magistrate designated by the clerk, and may specifically request that the hearing be conducted by a district court judge. The Administrative Office of the Courts must develop a hearing request form for any provisional licensee requesting a hearing. Unless a district court judge is requested, the hearing must be conducted within the county by a magistrate assigned by the chief district court judge to conduct such hearings. If the provisional licensee requests that a district court judge hold the hearing, the hearing must be conducted within the district court district as defined in G.S. 7A-133 by a district court judge assigned to conduct such hearings. The revocation remains in effect pending the hearing, but the hearing must be held within three working days following the request if the hearing is before a magistrate or within five working days if the hearing is before a district court judge. The

request for the hearing must specify the grounds upon which the validity of the revocation is challenged and the hearing must be limited to the grounds specified in the request. A witness may submit his evidence by affidavit unless he is subpoenaed to appear. Any person who appears and testifies is subject to questioning by the judicial official conducting the hearing, and the judicial official may adjourn the hearing to seek additional evidence if he is not satisfied with the accuracy or completeness of evidence. The provisional licensee contesting the validity of the revocation may, but is not required to, testify in his own behalf. Unless contested by the person requesting the hearing, the judicial official may accept as true any matter stated in the revocation report. If any relevant condition under subsection (b) is contested, the judicial official must find by the greater weight of the evidence that the condition was met in order to sustain the revocation. At the conclusion of the hearing the judicial official must enter an order sustaining or rescinding the revocation. The judicial official's findings are without prejudice to the provisional licensee contesting the revocation and to any other potential party as to any other proceedings, civil or criminal, that may involve facts bearing upon the conditions in subsection (b) considered by the judicial official. The decision of the judicial official is final and may not be appealed in the General Court of Justice. If the hearing is not held and completed within three working days of the written request for a hearing before a magistrate or within five working days of the written request for a hearing before a district court judge, the judicial official must enter an order rescinding the revocation, unless the provisional licensee contesting the revocation contributed to the delay in completing the hearing. If the provisional licensee requesting the hearing fails to appear at the hearing or any rescheduling thereof after having been properly notified, the provisional licensee forfeits his right to a hearing.

(e) Report to Division. — The clerk shall notify the Division of the issuance of a revocation order pursuant to this section within two business days of the issuance of the revocation order. The notification shall identify the person whose provisional license has been revoked and specify the beginning and end date of the revocation period.

(f) Effect of Revocations. — A revocation under this section revokes a provisional licensee's privilege to drive in North Carolina. Revocations under this section are independent of and run concurrently with any other revocations, except for a revocation pursuant to G.S. 20-16.5. Any civil revocation issued pursuant to G.S. 20-16.5 for the same underlying conduct as a revocation under this section shall have the effect of terminating a revocation pursuant to this section. No court imposing a period of revocation following conviction for an offense involving impaired driving may give credit for any period of revocation imposed under this section. A person whose license is revoked pursuant to this section is not eligible to receive a limited driving privilege.

(g) Designation of Proceedings. — Proceedings under this section are civil actions and must be identified by the caption "In the Matter of _____" and filed as directed by the Administrative Office of the Courts.

(h) No drivers license points or insurance surcharge shall be assessed for a revocation pursuant to this section. Possession of a drivers license revoked pursuant to this section shall not be a violation of G.S. 20-30.

(i) The Administrative Office of the Courts shall adopt forms to implement this section."

SECTION 4. G.S. 18C-151 reads as rewritten:

"**§ 18C-151. Contracts.**

(a) Except as otherwise specifically provided in this subsection for contracts for the purchase of services, apparatus, supplies, materials, or equipment, Article 8 of Chapter 143 of the General Statutes, including the provisions relating to minority participation goals, shall apply to contracts entered into by the Commission. If this subsection and Article 8 of Chapter 143 are in conflict, the provisions of this subsection shall control. In recognition of the particularly sensitive nature of the Lottery and the competence, quality of product, experience,

and timeliness, fairness, and integrity in the operation and administration of the Lottery and maximization of the objective of raising revenues, a contract for the purchase of services, apparatus, supplies, materials, or equipment requiring an estimated aggregate expenditure of ~~ninety thousand dollars ($90,000)~~ three hundred thousand dollars ($300,000) or more may be awarded by the Commission only after the following have occurred:

(1) The Commission has invited proposals to be submitted by advertisement by electronic means or advertisement in a newspaper having general circulation in the State of North Carolina and containing the following information:
   a. The time and place where a complete description of the services, apparatus, supplies, materials, or equipment may be had.
   b. The time and place for opening of the proposals.
   c. A statement reserving to the Commission the right to reject any or all proposals.

(2) Proposals may be rejected for any reason determined by the Commission to be in the best interest of the Lottery.

(3) All proposals shall be accompanied by a bond or letter of credit in an amount equal to not less than five percent (5%) of the proposal and the fee to cover the cost of the criminal record check conducted under G.S. 114-19.6.

(4) The Commission has complied with the minority participation goals of G.S. 143-128.2 and G.S. 143-128.3.

(5) The Commission may not award a contract to a lottery potential contractor who has been convicted of a felony or any gambling offense in any state or federal court of the United States within 10 years of entering into the contract, or employs officers and directors who have been convicted of a felony or any gambling offense in any state or federal court of the United States within 10 years of entering into the contract.

(6) The Commission shall investigate and compare the overall business practices, ethical reputation, criminal record, civil litigation, competence, integrity, background, and regulatory compliance record of lottery potential contractors.

(7) The Commission may engage an independent firm experienced in evaluating government procurement proposals to aid in evaluating proposals for a major procurement.

(8) The Commission shall award the contract to the responsible lottery potential contractor or lottery supplier who submits the best proposal that maximizes the benefits to the State.

(b) Upon the completion of the bidding process, a contract may be awarded to a lottery contractor or lottery supplier with whom the Commission has previously contracted for the same purposes.

(c) Before a contract is awarded, the Director shall conduct a thorough background investigation of all of the following:

(1) The potential contractor to whom the contract is to be awarded.

(2) Any parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

(3) All shareholders with a five percent (5%) or more interest in the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded. For purposes of this subdivision, shareholders shall mean any natural person or those individuals with capabilities to make operating decisions for the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

(4) All officers and directors of the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

(d) The Commission may terminate the contract, without penalty, of a lottery contractor that fails to comply with the Commission's instruction to implement the recommendations of the State Auditor or an independent auditor in an audit conducted of Lottery security or operations.

(e) After entering into a contract with a lottery contractor, the Commission shall require the lottery contractor to periodically update the information required to be disclosed under G.S. 18C-152(c). Any contract with a lottery contractor who does not periodically update the required disclosures may be terminated by the Commission.

(f) No lottery contractor, potential contractor, or lottery supplier may pay, give, or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service, excluding food and beverages having an aggregate value not exceeding one hundred dollars ($100.00) in any calendar year, to the Director, any member or employee of the corporation, or a member of the immediate family residing in the same household as any of these individuals."

SECTION 5. Section 5 of S.L. 2011-236 reads as rewritten:

"**SECTION 5.** This act becomes effective October 1, 2011, and applies to agreements executed on or after that date. Agreements executed prior to October 1, 2011, remain subject to the laws in effect at the time the parties executed the ~~agreement.~~agreement; differences in wording between procedures authorized to establish agreements under the laws repealed by this act and under the superseding laws enacted by this act clarify the permitted procedures under the repealed laws."

SECTION 6. Section 1 of this act becomes effective September 1, 2012, and applies to offenses committed on or after that date. Section 2 of this act becomes effective December 1, 2012, and applies to motions for appropriate relief filed on or after that date. Section 3 of this act becomes effective on December 1, 2012, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 661
Program Evaluation Committee Substitute Adopted 5/10/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S661-CSTG-48 [v.2]

Short Title: Audit Roanoke Island Commission and Friends. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE AUDITOR TO AUDIT THE ROANOKE ISLAND COMMISSION, INCLUDING FUNDS RECEIVED BY FRIENDS OF ELIZABETH II, INC.

The General Assembly of North Carolina enacts:

SECTION 1. The State Auditor shall conduct an investigative audit of the Roanoke Island Commission, which is a State commission that receives State funds. As part of its investigation, the Auditor shall carefully examine all funds that have been received by Friends of Elizabeth II, Inc., (Friends) from the Roanoke Island Commission or any other State entity, regardless of the characterization by any party of the nature of a transfer, and determine the following:

(1) The balance of such funds still held by the Friends.
(2) The interest earned on such funds and the rate of interest on such funds, both as of the time of the audit and over the period in which the Friends have held such funds.
(3) The expenditure of funds received by the Friends from the Roanoke Island Commission or any other State entity.
(4) Whether such funds have been used by the Friends for the purposes for which they were transferred.
(5) Whether such funds were properly transferred by State entities to the Friends in accordance with the law.
(6) Whether the use of such funds has been properly reported in accordance with the law.

The Auditor shall make recommendations based on the Auditor's findings and shall publish a report describing all issues investigated, a summary of the contents of documents examined and interviews conducted, all other findings, and the recommendations.

As part of its audit, the Auditor shall also review any memorandums of agreement, or similar arrangements, between the Roanoke Island Commission and the Friends and shall make recommendations as to what should be included in such an agreement between the Roanoke Island Commission and the Friends.

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



SENATE BILL 661:
Audit Roanoke Island Commission and Friends

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 19, 2012
Introduced by:	Sen. Bingham	**Prepared by:**	Bill Patterson
Analysis of:	PCS to Second Edition S661-CSME-37		Committee Counsel

SUMMARY: ***The PCS to Senate Bill 661 would direct the State Auditor to conduct an investigative audit of the Roanoke Island Commission, including an examination of all funds received from the Commission by Friends of Elizabeth II, Inc. The PCS rewrites the original bill in its entirety.***

CURRENT LAW: The Roanoke Island Commission is an independent commission established by the General Assembly in 1994 within the Department of Cultural Resources. The Commission operates and administers the Elizabeth II State Historic Site and Visitor Center, the Elizabeth II, Ice Plant Island, and all other properties under the administration of the Department of Cultural Resources located on Roanoke Island having historical significance to the State of North Carolina. G.S. 143B-131.2(a). Effective July 1, 2012, the Commission shall be a self-supporting entity. Friends of Elizabeth II, Inc. is a non-profit corporation organized in 1982, supporting Roanoke Island Festival Park and the Elizabeth II.

The Commission is authorized, among other things, to

> To accept monies, gifts, donations, grants, or devises, which funds will be used by the Commission for purposes of carrying out its duties and purposes herein set forth. The Commission may establish a reserve fund to be maintained and used for contingencies and emergencies. The Friends of Elizabeth II, Inc., shall use the balance of any unencumbered funds that were transferred to it pursuant to this subdivision only for expenses of the Commission or the properties operated by the Commission that are identified as operating or for maintenance costs by the Commission and that are requested by the Commission.

G.S. 143B-131.2(b)(10).

BILL ANALYSIS: The PCS would direct the State Auditor to conduct an investigative audit of the Commission, to include an examination of all funds received by Friends of Queen Elizabeth II, Inc. from the Commission or from any other State entity, to determine the following:

- The balance of such funds still held by the Friends.
- The interest earned on such funds and the rate of interest on such funds, both as of the time of the audit and over the period in which the Friends have held such funds.
- The expenditure of funds received by the Friends from the Roanoke Island Commission or any other State entity.
- Whether such funds have been used by the Friends for the purposes for which they were transferred.
- Whether such funds were properly transferred by State entities to the Friends in accordance with the law.
- Whether the use of such funds has been properly reported in accordance with the law.

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

S661-SMTG-83(CSME-37) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 661
Program Evaluation Committee Substitute Adopted 5/10/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S661-CSTG-48 [v.2]

Short Title: Audit Roanoke Island Commission and Friends. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE AUDITOR TO AUDIT THE ROANOKE ISLAND COMMISSION, INCLUDING FUNDS RECEIVED BY FRIENDS OF ELIZABETH II, INC.

The General Assembly of North Carolina enacts:

SECTION 1. The State Auditor shall conduct an investigative audit of the Roanoke Island Commission, which is a State commission that receives State funds. As part of its investigation, the Auditor shall carefully examine all funds that have been received by Friends of Elizabeth II, Inc., (Friends) from the Roanoke Island Commission or any other State entity, regardless of the characterization by any party of the nature of a transfer, and determine the following:

(1) The balance of such funds still held by the Friends.
(2) The interest earned on such funds and the rate of interest on such funds, both as of the time of the audit and over the period in which the Friends have held such funds.
(3) The expenditure of funds received by the Friends from the Roanoke Island Commission or any other State entity.
(4) Whether such funds have been used by the Friends for the purposes for which they were transferred.
(5) Whether such funds were properly transferred by State entities to the Friends in accordance with the law.
(6) Whether the use of such funds has been properly reported in accordance with the law.

The Auditor shall make recommendations based on the Auditor's findings and shall publish a report describing all issues investigated, a summary of the contents of documents examined and interviews conducted, all other findings, and the recommendations.

As part of its audit, the Auditor shall also review any memorandums of agreement, or similar arrangements, between the Roanoke Island Commission and the Friends and shall make recommendations as to what should be included in such an agreement between the Roanoke Island Commission and the Friends.

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



HOUSE SIMPLE RESOLUTION 1191: Resolution of Disapproval of Reorganization

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 18, 2012
Introduced by:	Rep. Cleveland	**Prepared by:**	Shelly DeAdder Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Resolution 1191 would disapprove Executive Order No. 85, which ordered the consolidation and reorganization of Executive Branch agencies, so that the Executive Order does not go into effect and become law upon adjournment sine die of the session pursuant to Section 5(10) of Article III of the North Carolina Constitution.***

[As introduced, this bill was identical to S957, as introduced by Sen. Apodaca, which is currently in Rules and Operations of the Senate.]

CURRENT LAW: Section 5 of Article III of the North Carolina Constitution sets out the duties of the Governor. Subsection (10) authorizes the Governor to make changes in the allocation of offices and agencies of the State and in their functions, powers, and duties, as necessary for efficient administration. If the changes affect existing law, they must be set forth in executive orders, which then go into effect and become law upon adjournment sine die of the session in which they were submitted, unless specifically disapproved by either house of the General Assembly or specifically modified by both houses.

On March 25, 2011, the Governor issued Executive Order No. 85 (see text in its entirety below). The Order provides for the consolidation and reorganization of the Executive Branch and will go into effect upon adjournment sine die of this session, unless it is disapproved or modified. In the meantime, the General Assembly has passed legislation dealing with issues raised in the Order.

BILL ANALYSIS: House Resolution 1191 would specifically disapprove Executive Order No. 85 so that it would not go into effect and become law upon adjournment sine die of the session.

EFFECTIVE DATE: The resolution would be effective upon adoption.

BACKGROUND: The full text of Executive Order No. 85 is included below:

EXECUTIVE ORDER NO. 85

CONSOLIDATION AND REORGANIZATION OF EXECUTIVE BRANCH

AGENCIES TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT

WHEREAS, the North Carolina Constitution gives the Governor the power to submit to the General Assembly changes, elimination, consolidation and reorganization of the powers, duties and functions of the agencies and departments within the Executive Branch of State Government whenever the Governor determines that such action is in the best interest of the State; and

WHEREAS, a principal reason for exercising this power is to ensure that State government services are delivered in an effective and coordinated way; and

WHEREAS, the Governor has the responsibility to spend tax dollars wisely and efficiently; and

WHEREAS, I have determined that the State of North Carolina is in a time of economic challenge, such that the way State Government has operated must change in order to continue to deliver critical services to North Carolina citizens.

NOW, THEREFORE, pursuant to the powers conferred on me as Governor by Article III, Section 5(10) of the Constitution and the laws of North Carolina, as a first step in the process of reorganizing State Government, IT IS ORDERED:

The Executive Branch of State Government is hereby consolidated and reorganized as provided herein.

Section 1. Use of Terms

For purposes of this Executive Order, the terms "Type I Transfer" and "Type II Transfer" shall have the meaning prescribed by the General Assembly in the Executive Organization Act of 1971, N.C. Gen. Stat. § 143A-6, and the terms "Agency," "Board," "Commission," "Committee," "Council," "Division," "Head of Department," and "Principal State Department" shall have the meaning prescribed by the General Assembly in the Executive Organization Act of 1973, N.C. Gen. Stat. § 143B-3.

Section 2. Applicability to Departments and Agencies

This Executive Order is applicable to the following departments and agencies: the Department of Administration, the Department of Commerce, the Department of Correction, the Department of Crime Control and Public Safety, the Department of Cultural Resources, the Department of Environment and Natural Resources, the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, the Department of Revenue, the Department of Transportation, the Office of State Personnel, the Office of State Budget and Management, the Office of Information Technology Services, and the Employment Security Commission.

Section 3. Statutes Remain in Effect

Except as herein expressly modified, the provisions of Chapters 143, 143A and 143B of the North Carolina General Statutes remain in force.

Section 4. Department of Management and Administration

The Office of State Personnel and the Office of Information Technology Services are hereby consolidated into the Department of Administration. The Department of Administration, as established by N.C. Gen. Stat. §

143B-366, is hereby renamed the Department of Management and Administration. All powers, duties, functions and obligations heretofore vested in the former Department of Administration, and any subunit or division of the former Department of Administration, are hereby vested in the Department of Management and Administration. All references in the General Statutes or laws of the State to the "Department of Administration" are hereby deleted and replaced with the "Department of Management and Administration." All references to the "Secretary of Administration" in the General Statutes or laws of the State are hereby deleted and replaced with the "Secretary of Management and Administration." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Department of Administration. Where the former Department of Administration or a division or other subunit of the former Department of Administration is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Management and Administration.

a. The Office of State Personnel, as established by N.C. Gen. Stat. § 126-3, is transferred to the Department of Management and Administration by a Type I transfer. All powers, duties and functions of the Office of State Personnel as specified in N.C. Gen. Stat. Chapter 126 and as specified elsewhere in the laws of this State are transferred to the Department of Management and Administration. All powers and duties of the Office of State Personnel specifically enumerated in N.C. Gen. Stat. § 126-3 are added to those powers and duties of the Department of Management and Administration specified in N.C. Gen. Stat. § 143-341. All references in the General Statutes or laws of the State to the "Office of State Personnel" are hereby deleted and replaced with the "Department of Management and Administration." All references in the General Statutes or laws of the State to the "State Personnel Director" are hereby deleted and replaced with the "Secretary of Management and Administration or the Secretary's designee." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Office of State Personnel. Where the former Office of State Personnel or a division or other subunit of the former Office of State Personnel is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Management and Administration. State employees currently employed by and under the supervision of the former State Personnel Director and the former Office of State Personnel are hereby transferred to the supervision of the Secretary of Management and Administration. Additionally, to ensure the consistent application of human resource policies and practices, the human resource functions within the Cabinet State Agencies will be centralized within the Department of Management and Administration. All human resources positions, professional development/training positions, and safety officer positions, and all related administrative support positions and budgets, will be transferred to the supervision of the Secretary of Management and Administration. The Department of Management and Administration, in conjunction with the Office of State Budget and Management, will review such agency positions to determine which positions will be transferred to the Department of Management and Administration. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

b. The Office of Information Technology Services, as established by N.C. Gen. Stat. Chapter 147, Article 3D, is hereby transferred to the Department of Management and Administration by a Type I transfer. All powers, duties and functions of the Office of Information Technology Services as specified in N.C. Gen. Stat. Chapter 147, Article 3D and as specified elsewhere in the laws of this State are transferred to the Department of Management and Administration. All powers and duties of the Office of Information Technology Services specifically enumerated in N.C. Gen. Stat. §§ 147-33.82 and 147-33.83 are added to those powers and duties of the Department of Management and Administration specified in N.C. Gen. Stat. § 143-341. All references in the General Statutes or laws of the State to the "Office of Information Technology" are hereby deleted and replaced with the "Department of Management and Administration." All references in the General Statutes or laws of the State to the "State Chief Information Officer" are hereby deleted and replaced with the "Secretary of Management and Administration or the Secretary's designee." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Office of Information Technology Services. Where the former Office of Information Technology Services or a division or other subunit of the former Office of Information Technology Services is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Management and Administration. State employees currently employed by and under the supervision of the former State Chief Information Officer and the former Office of Information Technology Services are hereby transferred to the supervision of the Secretary of Management and Administration. Additionally, all employees within the Cabinet State Agencies who serve in the position of or exercise the responsibility of Chief Information Officer are hereby transferred to the supervision of the Secretary of Management and Administration. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

c. All commissions, boards, councils, committees or other similar entities established under or administratively housed in the Office of State Personnel or the Office of Information Technology Services are hereby transferred to the Department of Management and Administration. Such entities shall continue to exercise their authority and power as currently provided in the laws of the State.

d. The Codifier of Rules shall reorganize the North Carolina Administrative Code, including specifically Titles 1, 9 and 25, to reflect the aforementioned consolidation of the former Department of Administration, the former Office of State Personnel, and the former Office of Information Technology Services into the Department of Management and Administration. The Codifier of Rules shall make changes in the text of any affected rules to reflect changes in the organizational structure of the Department of Management and Administration. The changes by the Codifier are exempt from the requirements of Chapter 150B of the General Statutes and do not require the review or approval of the Rules Review Commission.

Section 5. Department of Public Safety

There is hereby established and created a principal department to be known as the Department of Public Safety. Any reference in the General Statutes or laws of the State to the "principal departments" as enumerated in N.C. Gen. Stat. § 143B-6 or to "cabinet agencies" or "cabinet departments" is hereby deemed to include the Department of Public Safety. The Department of Correction, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Crime Control and Public Safety are hereby consolidated into the Department of Public Safety. The Department of Public Safety shall be headed by the Secretary of Public Safety, who shall be appointed by and serve at the pleasure of the Governor. The Department of Public Safety shall include, but not be limited to, the following three divisions: the Division of Corrections, the Division of Juvenile Justice and Delinquency Prevention, and the Division of Crime Control and Emergency Management.

a. The Department of Correction, as established in N.C. Gen. Stat. § 143B-260, is hereby transferred to the Department of Public Safety by a Type I transfer. All powers, duties and functions of the Department of Correction and any subunit or division of the Department of Correction as specified in N.C. Gen. Stat. Chapter 143B, Article 6 and as specified elsewhere in the laws of this State are transferred to the Department of Public Safety. All references in the General Statutes or laws of the State to the "Department of Correction" are hereby deleted and replaced with the "Department of Public Safety Division of Corrections." All references in the General Statutes or laws of the State to the "Secretary of Correction" are hereby deleted and replaced with the "Secretary of Public Safety or the Secretary's designee." The Secretary of Public Safety shall designate a Commissioner of Corrections who shall be exempt from the State Personnel Act under N.C. Gen. Stat. § 126-5(c1) and who shall oversee those functions formerly housed in the Department of Correction, as assigned by the Secretary. This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Department of Correction. Where the former Department of Correction or a division or other subunit of the former Department of Correction is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Public Safety. State employees currently employed by and under the supervision of the former Secretary of Correction and the former Department of Correction are hereby transferred to the supervision of the Secretary of Public Safety. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

b. The Department of Juvenile Justice and Delinquency Prevention, as established by N.C. Gen. Stat. § 143B-511, is hereby transferred to the Department of Public Safety by a Type I transfer. All powers, duties and functions of the Department of Juvenile Justice and Delinquency Prevention as specified in N.C. Gen. Stat. Chapter 143B, Article 12 and as specified elsewhere in the laws of this State are transferred to the Department of Public Safety. All references in the General Statutes or laws of the State to the "Department of Juvenile Justice and Delinquency Prevention" are hereby deleted and replaced with the "Department of Public Safety Division of Juvenile Justice and Delinquency Prevention." All references in the General Statutes

or laws of the State to the "Secretary of Juvenile Justice and Delinquency Prevention" are hereby deleted and replaced with the "Secretary of Public Safety or the Secretary's designee." The Secretary of Public Safety shall designate a Commissioner of Juvenile Justice and Delinquency Prevention who shall be exempt from the State Personnel Act under N.C. Gen. Stat. § 126-5(c1) and who shall oversee those functions formerly housed in the Department of Juvenile Justice and Delinquency Prevention, as assigned by the Secretary. Notwithstanding any other laws to the contrary, the legal custody and control of confidential juvenile records, as provided in N.C. Gen. Stat. Chapter 7B, shall belong to the Commissioner of Juvenile Justice and Delinquency Prevention, and the Commissioner shall exercise such control independent of the Secretary of Public Safety. This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Department of Juvenile Justice and Delinquency Prevention. Where the former Department of Juvenile Justice and Delinquency Prevention or a division or other subunit of the former Department of Juvenile Justice and Delinquency Prevention is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Public Safety. State employees currently employed by and under the supervision of the former Secretary of Juvenile Justice and Delinquency Prevention and the former Department of Juvenile Justice and Delinquency Prevention are hereby transferred to the supervision of the Secretary of Public Safety. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

c. The Department of Crime Control and Public Safety, as established by N.C. Gen. Stat. § 143B-473, is hereby transferred to the Department of Public Safety by a Type I transfer. All powers, duties and functions of the Department of Crime Control and Public Safety as specified in N.C. Gen. Stat. Chapter 143B, Article 11 and as specified elsewhere in the laws of this State are transferred to the Department of Public Safety. All references in the General Statutes or laws of the State to the "Department of Crime Control and Public Safety" are hereby deleted and replaced with the "Department of Public Safety Division of Crime Control and Emergency Management." All references in the General Statutes or laws of the State to the "Secretary of Crime Control and Public Safety" are hereby deleted and replaced with the "Secretary of Public Safety or the Secretary's designee." The Secretary of Public Safety shall designate a Commissioner of Crime Control and Emergency Management who shall be exempt from the State Personnel Act under N.C. Gen. Stat. § 126-5(c1) and who shall oversee those functions formerly housed in the Department of Crime Control and Public Safety, as assigned by the Secretary. This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Department of Crime Control and Public Safety. Where the former Department of Crime Control and Public Safety or a division or other subunit of the former Department of Crime Control and Public Safety is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Public Safety. State employees currently employed by and under the supervision of the former Secretary of Crime Control and Public Safety and the former Department of Crime Control and Public Safety are hereby transferred to the supervision of the Secretary of Public Safety.

Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

d. All commissions, boards, councils, committees or other similar entities established under or administratively housed in the former Department of Correction, the former Department of Juvenile Justice and Delinquency Prevention, or the former Department of Crime Control and Public Safety are hereby transferred to the Department of Public Safety. Such entities shall continue to exercise their authority and power as currently provided in the laws of the State.

e. The Codifier of Rules shall reorganize the North Carolina Administrative Code, including specifically Titles 5, 14A and 28, to reflect the organization of the Department of Public Safety and the elimination of the former Department of Correction, the former Department of Juvenile Justice and Delinquency Prevention, and the former Department of Crime Control and Public Safety. The Codifier of Rules shall make changes in the text of any affected rules to reflect changes in the organizational structure of the Department of Public Safety. The changes by the Codifier are exempt from the requirements of Chapter 150B of the General Statutes and do not require the review or approval of the Rules Review Commission.

f. Notwithstanding the provisions of N.C. Gen. Stat. § 126-5(d)(1), the Department of Public Safety may designate exempt managerial positions in a number up to one percent (1%) of the total number of full-time positions in the department, not to exceed 90 positions in the department.

Section 6. Department of Commerce

a. The Unemployment Insurance Division of the Employment Security Commission, as established or operated pursuant to N.C. Gen. Stat. § 96-3(b) and N.C. Gen. Stat. Chapter 96, Article 2, is hereby transferred to the Department of Commerce by a Type I transfer. All powers, duties and functions related to the Unemployment Insurance Division as specified in N.C. Gen. Stat. Chapter 96 and as specified elsewhere in the laws of this State are transferred to the Department of Commerce. Provided, however, that the policymaking or adjudicative functions of the Employment Security Commission related to the Unemployment Insurance Division shall not be transferred to the Department of Commerce, but shall remain with the Employment Security Commission.

b. The Employment Service Division, the Labor Market Information Division, and all other divisions or subunits of the Employment Security Commission, established or operated pursuant to N.C. Gen. Stat. § 96-3(b) and N.C. Gen. Stat. Chapter 96, Articles 1, 3 and 4, except for the Office of Chief Counsel and all attorneys and support staff housed under that office, are hereby transferred to the Department of Commerce by a Type I transfer. All powers, duties and functions of these divisions as specified in N.C. Gen. Stat. Chapter 96 and as specified elsewhere in the laws of this State are transferred to the Department of

Commerce. Such changes shall not be reflected in the General Statutes, except for those instances where the General Statutes specifically address a division or office that is modified by this Executive Order.

c. All references in the General Statutes and laws of the State to the "Employment Security Commission" regarding the aforementioned divisions and subunits are hereby deleted and replaced with the "Department of Commerce," except if such references address the policymaking or adjudicative duties of the Employment Security Commission. All references in the General Statutes and laws of the State to the "Chair of the Employment Security Commission" regarding the aforementioned divisions and subunits are hereby deleted and replaced with the "Secretary of Commerce or the Secretary's designee," except if such references address the policymaking or adjudicative duties of the Chair of the Employment Security Commission. State employees currently employed by and under the supervision of the Employment Security Commission, except those attorneys and support staff in the Office of Chief Counsel, are hereby transferred to the supervision of the Secretary of Commerce. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

d. The Employment Security Commission, as established by N.C. Gen. Stat. § 96-3, and the Office of Chief Counsel, including all attorneys and support staff housed under that office, are hereby transferred to the Department of Commerce by a Type II transfer with all the elements of a Type II transfer. Except as otherwise provided in Sections 6.a, 6.b, and 6.c of this Executive Order and except for those management functions that shall be performed under the direction and supervision of the Secretary of Commerce pursuant to N.C. Gen. Stat. § 143A-6, the Commission shall exercise all its prescribed statutory powers independently of the Secretary of Commerce.

e. This Executive Order shall not affect any contract, agreement or other obligation of the Employment Security Commission. In any contract, agreement or other obligation of the Unemployment Insurance Division, the Employment Service Division, the Labor Market Information Division or any other division or subunit of the Employment Security Commission, except the Office of Chief Counsel, any references to the Employment Security Commission are hereby deemed to apply to the Department of Commerce.

f. The Employment Security Commission shall review its regulations and shall make changes in the text of any regulations to reflect changes in the organizational structure of the Employment Security Commission as provided in this Executive Order.

Section 7. Department of Health and Human Services

I hereby direct the Secretary of Health and Human Services to consolidate and reorganize the divisions of the Department of Health and Human Services. Such changes shall not be reflected in the General Statutes,

except for those instances where the General Statutes specifically address a division or office that is modified by the consolidation and reorganization.

a. The Division of Public Health and the Office of Rural Health and Community Care are hereby consolidated into the Division of Prevention, Access and Public Health Services. All references to the "Division of Public Health" or the "Office of Rural Health and Community Care" are hereby deleted and replaced with the "Division of Prevention, Access and Public Health Services." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Division of Public Health or the former office of Rural Health and Community Care. Where the former Division of Public Health or the former Office of Rural Health and Community Care is referred to by law or by a contract or other document, the reference is hereby deemed to apply to the Division of Prevention, Access and Public Health Services.

b. The Division of Vocational Rehabilitation, the Division of Services for the Blind, and the Division of Services for the Deaf and Hard of Hearing are hereby consolidated into the Division of Blind, Deaf/Hard of Hearing and Rehabilitation Services. All references to the "Division of Vocational Rehabilitation," the "Division of Services for the Blind," or the "Division of Services for the Deaf and Hard of Hearing" are hereby deleted and replaced with the "Division of Blind, Deaf/Hard of Hearing and Rehabilitation Services." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Division of Vocational Rehabilitation, the former Division of Services for the Blind, or the former Division of Services for the Deaf and Hard of Hearing. Where the former Division of Vocational Rehabilitation, the former Division of Services for the Blind, or the former Division of Services for the Deaf and Hard of Hearing is referred to by law or by a contract or other document, the reference is hereby deemed to apply to the Division of Blind, Deaf/Hard of Hearing and Rehabilitation Services.

c. The Office of Long-Term Care Services and Supports and the Office of Housing and Homelessness are hereby consolidated into the Division of Aging and Adult Services. All references to the "Office of Long-Term Care Services and Supports" or the "Office of Housing and Homelessness" are hereby deleted and replaced with the "Division of Aging and Adult Services." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Office of Long-Term Care Services and Supports or the former Office of Housing and Homelessness. Where the former Office of Long-Term Care Services and Supports or the former Office of Housing and Homelessness is referred to by law or by a contract or other document, the reference is hereby deemed to apply to the Division of Aging and Adult Services.

d. The Codifier of Rules shall reorganize the North Carolina Administrative Code, including specifically Title 10A, to reflect the reorganization of the Department of Health and Human Services. The Codifier of Rules shall make changes in the text of any affected rules to reflect changes in the organizational structure of the Department of Health and Human Services. The changes by the Codifier are exempt from the requirements

of Chapter 150B of the General Statutes and do not require the review or approval of the Rules Review Commission.

Section 8. Department of Transportation

a. The North Carolina State Ports Authority, as established by N.C. Gen. Stat. § 143B-452, is hereby transferred from the Department of Commerce to the Department of Transportation by a Type II transfer. Except for those management functions that shall be performed under the direction and supervision of the Secretary of Transportation pursuant to N.C. Gen. Stat. § 143A-6, the Ports Authority shall exercise all its prescribed statutory powers independently of the Secretary of Transportation. All references in Chapter 143B, Article 10, Part 10 of the General Statutes to the "Department of Commerce" are hereby deleted and replaced with the "Department of Transportation." All references in Chapter 143B, Article 10, Part 10 of the General Statutes to the "Secretary of Commerce" are hereby deleted and replaced with the "Secretary of Transportation." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the North Carolina State Ports Authority. Where the Department of Commerce is referred to by law or by a contract or other document related to the North Carolina State Ports Authority, the reference is hereby deemed to apply to the Department of Transportation.

b. The State Transportation Logistics Coordinating Council is hereby established. The Council shall be located administratively within, and shall exercise its powers within existing resources of, the Department of Transportation. The Council shall consist of the Secretary of Transportation, who shall serve as Chair, the Executive Director of the North Carolina Global TransPark, the Chief Executive Director of the North Carolina State Ports Authority, the President of the North Carolina Railroad Company, and other persons as determined necessary by the Secretary. The Council shall identify areas for cooperation among the State's transportation logistics entities, including improving the State's transportation services, coordinating on projects to create or expand companies in North Carolina or to attract companies to the State, and sharing of personnel and resources to the maximum extent practicable.

Section 9. Authority of Secretaries of Departments

Nothing in this Executive Order is intended to limit the ability of the department secretaries to organize and manage their departments as authorized by law. To the extent that any function of a former entity requires the exercise of exclusive or independent authority, the Secretary of the new entity shall ensure that such exclusive or independent authority is maintained.

Section 10. Implementation Flexibility and Resolution of Conflicts

This Order initiates a comprehensive, extended process requiring careful and well-managed implementation, evaluation, and assessment of the affected State departments and agencies and the services they provide to citizens. If the Governor or the Governor's designee determines that additional reorganization, consolidation, or elimination of State agencies not set forth in this Order is needed, the Governor or the Governor's designee shall have the flexibility to make such changes to the consolidation and reorganization of State Government that are beyond the scope of changes set forth in this Order, consistent with the Constitutional powers of the Governor.

Where a conflict or ambiguity arises regarding any transfer or action authorized by this Executive Order, the Governor or the Governor's designee shall resolve the matter, and the decision of the Governor or the Governor's designee shall be final.

Section 11. Effect

This Order will become effective and have the force of law unless specifically disapproved by either the House or Senate or specifically modified by joint resolution of the House and Senate prior to adjournment sine die.

Section 12. Distribution of Order

An original of this Executive Order will be delivered by hand on the day it is issued to the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Clerk of the Senate, and the Clerk of the House of Representatives.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-fifth day of March in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

Wendy Graf Ray (staff attorney) substantially contributed to this summary.
H1191-SMTO-0(e1) v1

HOUSE SIMPLE RESOLUTION 1191: Resolution of Disapproval of Reorganization

2011-2012 General Assembly

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Introduced by:	Rep. Cleveland	**Prepared by:**	Shelly DeAdder Committee Counsel
Analysis of:	First Edition		

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[As introduced, this bill was identical to S957, as introduced by Sen. Apodaca, which is currently in Rules and Operations of the Senate.]

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On March 25, 2011, the Governor issued Executive Order No. 85 (see text in its entirety below). The Order provides for the consolidation and reorganization of the Executive Branch and will go into effect upon adjournment sine die of this session, unless it is disapproved or modified. In the meantime, the General Assembly has passed legislation dealing with issues raised in the Order.

BILL ANALYSIS: House Resolution 1191 would specifically disapprove Executive Order No. 85 so that it would not go into effect and become law upon adjournment sine die of the session.

EFFECTIVE DATE: The resolution would be effective upon adoption.

BACKGROUND: The full text of Executive Order No. 85 is included below:

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AGENCIES TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT

WHEREAS, the North Carolina Constitution gives the Governor the power to submit to the General Assembly changes, elimination, consolidation and reorganization of the powers, duties and functions of the agencies and departments within the Executive Branch of State Government whenever the Governor determines that such action is in the best interest of the State; and

WHEREAS, a principal reason for exercising this power is to ensure that State government services are delivered in an effective and coordinated way; and

WHEREAS, the Governor has the responsibility to spend tax dollars wisely and efficiently; and

WHEREAS, I have determined that the State of North Carolina is in a time of economic challenge, such that the way State Government has operated must change in order to continue to deliver critical services to North Carolina citizens.

NOW, THEREFORE, pursuant to the powers conferred on me as Governor by Article III, Section 5(10) of the Constitution and the laws of North Carolina, as a first step in the process of reorganizing State Government, IT IS ORDERED:

The Executive Branch of State Government is hereby consolidated and reorganized as provided herein.

Section 1. Use of Terms

For purposes of this Executive Order, the terms "Type I Transfer" and "Type II Transfer" shall have the meaning prescribed by the General Assembly in the Executive Organization Act of 1971, N.C. Gen. Stat. § 143A-6, and the terms "Agency," "Board," "Commission," "Committee," "Council," "Division," "Head of Department," and "Principal State Department" shall have the meaning prescribed by the General Assembly in the Executive Organization Act of 1973, N.C. Gen. Stat. § 143B-3.

Section 2. Applicability to Departments and Agencies

This Executive Order is applicable to the following departments and agencies: the Department of Administration, the Department of Commerce, the Department of Correction, the Department of Crime Control and Public Safety, the Department of Cultural Resources, the Department of Environment and Natural Resources, the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, the Department of Revenue, the Department of Transportation, the Office of State Personnel, the Office of State Budget and Management, the Office of Information Technology Services, and the Employment Security Commission.

Section 3. Statutes Remain in Effect

Except as herein expressly modified, the provisions of Chapters 143, 143A and 143B of the North Carolina General Statutes remain in force.

Section 4. Department of Management and Administration

The Office of State Personnel and the Office of Information Technology Services are hereby consolidated into the Department of Administration. The Department of Administration, as established by N.C. Gen. Stat. §

143B-366, is hereby renamed the Department of Management and Administration. All powers, duties, functions and obligations heretofore vested in the former Department of Administration, and any subunit or division of the former Department of Administration, are hereby vested in the Department of Management and Administration. All references in the General Statutes or laws of the State to the "Department of Administration" are hereby deleted and replaced with the "Department of Management and Administration." All references to the "Secretary of Administration" in the General Statutes or laws of the State are hereby deleted and replaced with the "Secretary of Management and Administration." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Department of Administration. Where the former Department of Administration or a division or other subunit of the former Department of Administration is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Management and Administration.

a. The Office of State Personnel, as established by N.C. Gen. Stat. § 126-3, is transferred to the Department of Management and Administration by a Type I transfer. All powers, duties and functions of the Office of State Personnel as specified in N.C. Gen. Stat. Chapter 126 and as specified elsewhere in the laws of this State are transferred to the Department of Management and Administration. All powers and duties of the Office of State Personnel specifically enumerated in N.C. Gen. Stat. § 126-3 are added to those powers and duties of the Department of Management and Administration specified in N.C. Gen. Stat. § 143-341. All references in the General Statutes or laws of the State to the "Office of State Personnel" are hereby deleted and replaced with the "Department of Management and Administration." All references in the General Statutes or laws of the State to the "State Personnel Director" are hereby deleted and replaced with the "Secretary of Management and Administration or the Secretary's designee." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Office of State Personnel. Where the former Office of State Personnel or a division or other subunit of the former Office of State Personnel is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Management and Administration. State employees currently employed by and under the supervision of the former State Personnel Director and the former Office of State Personnel are hereby transferred to the supervision of the Secretary of Management and Administration. Additionally, to ensure the consistent application of human resource policies and practices, the human resource functions within the Cabinet State Agencies will be centralized within the Department of Management and Administration. All human resources positions, professional development/training positions, and safety officer positions, and all related administrative support positions and budgets, will be transferred to the supervision of the Secretary of Management and Administration. The Department of Management and Administration, in conjunction with the Office of State Budget and Management, will review such agency positions to determine which positions will be transferred to the Department of Management and Administration. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

b. The Office of Information Technology Services, as established by N.C. Gen. Stat. Chapter 147, Article 3D, is hereby transferred to the Department of Management and Administration by a Type I transfer. All powers, duties and functions of the Office of Information Technology Services as specified in N.C. Gen. Stat. Chapter 147, Article 3D and as specified elsewhere in the laws of this State are transferred to the Department of Management and Administration. All powers and duties of the Office of Information Technology Services specifically enumerated in N.C. Gen. Stat. §§ 147-33.82 and 147-33.83 are added to those powers and duties of the Department of Management and Administration specified in N.C. Gen. Stat. § 143-341. All references in the General Statutes or laws of the State to the "Office of Information Technology" are hereby deleted and replaced with the "Department of Management and Administration." All references in the General Statutes or laws of the State to the "State Chief Information Officer" are hereby deleted and replaced with the "Secretary of Management and Administration or the Secretary's designee." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Office of Information Technology Services. Where the former Office of Information Technology Services or a division or other subunit of the former Office of Information Technology Services is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Management and Administration. State employees currently employed by and under the supervision of the former State Chief Information Officer and the former Office of Information Technology Services are hereby transferred to the supervision of the Secretary of Management and Administration. Additionally, all employees within the Cabinet State Agencies who serve in the position of or exercise the responsibility of Chief Information Officer are hereby transferred to the supervision of the Secretary of Management and Administration. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

c. All commissions, boards, councils, committees or other similar entities established under or administratively housed in the Office of State Personnel or the Office of Information Technology Services are hereby transferred to the Department of Management and Administration. Such entities shall continue to exercise their authority and power as currently provided in the laws of the State.

d. The Codifier of Rules shall reorganize the North Carolina Administrative Code, including specifically Titles 1, 9 and 25, to reflect the aforementioned consolidation of the former Department of Administration, the former Office of State Personnel, and the former Office of Information Technology Services into the Department of Management and Administration. The Codifier of Rules shall make changes in the text of any affected rules to reflect changes in the organizational structure of the Department of Management and Administration. The changes by the Codifier are exempt from the requirements of Chapter 150B of the General Statutes and do not require the review or approval of the Rules Review Commission.

Section 5. Department of Public Safety

There is hereby established and created a principal department to be known as the Department of Public Safety. Any reference in the General Statutes or laws of the State to the "principal departments" as enumerated in N.C. Gen. Stat. § 143B-6 or to "cabinet agencies" or "cabinet departments" is hereby deemed to include the Department of Public Safety. The Department of Correction, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Crime Control and Public Safety are hereby consolidated into the Department of Public Safety. The Department of Public Safety shall be headed by the Secretary of Public Safety, who shall be appointed by and serve at the pleasure of the Governor. The Department of Public Safety shall include, but not be limited to, the following three divisions: the Division of Corrections, the Division of Juvenile Justice and Delinquency Prevention, and the Division of Crime Control and Emergency Management.

a. The Department of Correction, as established in N.C. Gen. Stat. § 143B-260, is hereby transferred to the Department of Public Safety by a Type I transfer. All powers, duties and functions of the Department of Correction and any subunit or division of the Department of Correction as specified in N.C. Gen. Stat. Chapter 143B, Article 6 and as specified elsewhere in the laws of this State are transferred to the Department of Public Safety. All references in the General Statutes or laws of the State to the "Department of Correction" are hereby deleted and replaced with the "Department of Public Safety Division of Corrections." All references in the General Statutes or laws of the State to the "Secretary of Correction" are hereby deleted and replaced with the "Secretary of Public Safety or the Secretary's designee." The Secretary of Public Safety shall designate a Commissioner of Corrections who shall be exempt from the State Personnel Act under N.C. Gen. Stat. § 126-5(c1) and who shall oversee those functions formerly housed in the Department of Correction, as assigned by the Secretary. This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Department of Correction. Where the former Department of Correction or a division or other subunit of the former Department of Correction is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Public Safety. State employees currently employed by and under the supervision of the former Secretary of Correction and the former Department of Correction are hereby transferred to the supervision of the Secretary of Public Safety. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

b. The Department of Juvenile Justice and Delinquency Prevention, as established by N.C. Gen. Stat. § 143B-511, is hereby transferred to the Department of Public Safety by a Type I transfer. All powers, duties and functions of the Department of Juvenile Justice and Delinquency Prevention as specified in N.C. Gen. Stat. Chapter 143B, Article 12 and as specified elsewhere in the laws of this State are transferred to the Department of Public Safety. All references in the General Statutes or laws of the State to the "Department of Juvenile Justice and Delinquency Prevention" are hereby deleted and replaced with the "Department of Public Safety Division of Juvenile Justice and Delinquency Prevention." All references in the General Statutes

or laws of the State to the "Secretary of Juvenile Justice and Delinquency Prevention" are hereby deleted and replaced with the "Secretary of Public Safety or the Secretary's designee." The Secretary of Public Safety shall designate a Commissioner of Juvenile Justice and Delinquency Prevention who shall be exempt from the State Personnel Act under N.C. Gen. Stat. § 126-5(c1) and who shall oversee those functions formerly housed in the Department of Juvenile Justice and Delinquency Prevention, as assigned by the Secretary. Notwithstanding any other laws to the contrary, the legal custody and control of confidential juvenile records, as provided in N.C. Gen. Stat. Chapter 7B, shall belong to the Commissioner of Juvenile Justice and Delinquency Prevention, and the Commissioner shall exercise such control independent of the Secretary of Public Safety. This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Department of Juvenile Justice and Delinquency Prevention. Where the former Department of Juvenile Justice and Delinquency Prevention or a division or other subunit of the former Department of Juvenile Justice and Delinquency Prevention is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Public Safety. State employees currently employed by and under the supervision of the former Secretary of Juvenile Justice and Delinquency Prevention and the former Department of Juvenile Justice and Delinquency Prevention are hereby transferred to the supervision of the Secretary of Public Safety. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

c. The Department of Crime Control and Public Safety, as established by N.C. Gen. Stat. § 143B-473, is hereby transferred to the Department of Public Safety by a Type I transfer. All powers, duties and functions of the Department of Crime Control and Public Safety as specified in N.C. Gen. Stat. Chapter 143B, Article 11 and as specified elsewhere in the laws of this State are transferred to the Department of Public Safety. All references in the General Statutes or laws of the State to the "Department of Crime Control and Public Safety" are hereby deleted and replaced with the "Department of Public Safety Division of Crime Control and Emergency Management." All references in the General Statutes or laws of the State to the "Secretary of Crime Control and Public Safety" are hereby deleted and replaced with the "Secretary of Public Safety or the Secretary's designee." The Secretary of Public Safety shall designate a Commissioner of Crime Control and Emergency Management who shall be exempt from the State Personnel Act under N.C. Gen. Stat. § 126-5(c1) and who shall oversee those functions formerly housed in the Department of Crime Control and Public Safety, as assigned by the Secretary. This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Department of Crime Control and Public Safety. Where the former Department of Crime Control and Public Safety or a division or other subunit of the former Department of Crime Control and Public Safety is referred to by law or by a contract or other document, that reference is hereby deemed to apply to the Department of Public Safety. State employees currently employed by and under the supervision of the former Secretary of Crime Control and Public Safety and the former Department of Crime Control and Public Safety are hereby transferred to the supervision of the Secretary of Public Safety.

Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

d. All commissions, boards, councils, committees or other similar entities established under or administratively housed in the former Department of Correction, the former Department of Juvenile Justice and Delinquency Prevention, or the former Department of Crime Control and Public Safety are hereby transferred to the Department of Public Safety. Such entities shall continue to exercise their authority and power as currently provided in the laws of the State.

e. The Codifier of Rules shall reorganize the North Carolina Administrative Code, including specifically Titles 5, 14A and 28, to reflect the organization of the Department of Public Safety and the elimination of the former Department of Correction, the former Department of Juvenile Justice and Delinquency Prevention, and the former Department of Crime Control and Public Safety. The Codifier of Rules shall make changes in the text of any affected rules to reflect changes in the organizational structure of the Department of Public Safety. The changes by the Codifier are exempt from the requirements of Chapter 150B of the General Statutes and do not require the review or approval of the Rules Review Commission.

f. Notwithstanding the provisions of N.C. Gen. Stat. § 126-5(d)(1), the Department of Public Safety may designate exempt managerial positions in a number up to one percent (1%) of the total number of full-time positions in the department, not to exceed 90 positions in the department.

Section 6. Department of Commerce

a. The Unemployment Insurance Division of the Employment Security Commission, as established or operated pursuant to N.C. Gen. Stat. § 96-3(b) and N.C. Gen. Stat. Chapter 96, Article 2, is hereby transferred to the Department of Commerce by a Type I transfer. All powers, duties and functions related to the Unemployment Insurance Division as specified in N.C. Gen. Stat. Chapter 96 and as specified elsewhere in the laws of this State are transferred to the Department of Commerce. Provided, however, that the policymaking or adjudicative functions of the Employment Security Commission related to the Unemployment Insurance Division shall not be transferred to the Department of Commerce, but shall remain with the Employment Security Commission.

b. The Employment Service Division, the Labor Market Information Division, and all other divisions or subunits of the Employment Security Commission, established or operated pursuant to N.C. Gen. Stat. § 96-3(b) and N.C. Gen. Stat. Chapter 96, Articles 1, 3 and 4, except for the Office of Chief Counsel and all attorneys and support staff housed under that office, are hereby transferred to the Department of Commerce by a Type I transfer. All powers, duties and functions of these divisions as specified in N.C. Gen. Stat. Chapter 96 and as specified elsewhere in the laws of this State are transferred to the Department of

Commerce. Such changes shall not be reflected in the General Statutes, except for those instances where the General Statutes specifically address a division or office that is modified by this Executive Order.

c. All references in the General Statutes and laws of the State to the "Employment Security Commission" regarding the aforementioned divisions and subunits are hereby deleted and replaced with the "Department of Commerce," except if such references address the policymaking or adjudicative duties of the Employment Security Commission. All references in the General Statutes and laws of the State to the "Chair of the Employment Security Commission" regarding the aforementioned divisions and subunits are hereby deleted and replaced with the "Secretary of Commerce or the Secretary's designee," except if such references address the policymaking or adjudicative duties of the Chair of the Employment Security Commission. State employees currently employed by and under the supervision of the Employment Security Commission, except those attorneys and support staff in the Office of Chief Counsel, are hereby transferred to the supervision of the Secretary of Commerce. Transfers of positions pursuant to this Order shall not affect any individual employee's current compensation or benefits.

d. The Employment Security Commission, as established by N.C. Gen. Stat. § 96-3, and the Office of Chief Counsel, including all attorneys and support staff housed under that office, are hereby transferred to the Department of Commerce by a Type II transfer with all the elements of a Type II transfer. Except as otherwise provided in Sections 6.a, 6.b, and 6.c of this Executive Order and except for those management functions that shall be performed under the direction and supervision of the Secretary of Commerce pursuant to N.C. Gen. Stat. § 143A-6, the Commission shall exercise all its prescribed statutory powers independently of the Secretary of Commerce.

e. This Executive Order shall not affect any contract, agreement or other obligation of the Employment Security Commission. In any contract, agreement or other obligation of the Unemployment Insurance Division, the Employment Service Division, the Labor Market Information Division or any other division or subunit of the Employment Security Commission, except the Office of Chief Counsel, any references to the Employment Security Commission are hereby deemed to apply to the Department of Commerce.

f. The Employment Security Commission shall review its regulations and shall make changes in the text of any regulations to reflect changes in the organizational structure of the Employment Security Commission as provided in this Executive Order.

Section 7. Department of Health and Human Services

I hereby direct the Secretary of Health and Human Services to consolidate and reorganize the divisions of the Department of Health and Human Services. Such changes shall not be reflected in the General Statutes,

except for those instances where the General Statutes specifically address a division or office that is modified by the consolidation and reorganization.

a. The Division of Public Health and the Office of Rural Health and Community Care are hereby consolidated into the Division of Prevention, Access and Public Health Services. All references to the "Division of Public Health" or the "Office of Rural Health and Community Care" are hereby deleted and replaced with the "Division of Prevention, Access and Public Health Services." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Division of Public Health or the former office of Rural Health and Community Care. Where the former Division of Public Health or the former Office of Rural Health and Community Care is referred to by law or by a contract or other document, the reference is hereby deemed to apply to the Division of Prevention, Access and Public Health Services.

b. The Division of Vocational Rehabilitation, the Division of Services for the Blind, and the Division of Services for the Deaf and Hard of Hearing are hereby consolidated into the Division of Blind, Deaf/Hard of Hearing and Rehabilitation Services. All references to the "Division of Vocational Rehabilitation," the "Division of Services for the Blind," or the "Division of Services for the Deaf and Hard of Hearing" are hereby deleted and replaced with the "Division of Blind, Deaf/Hard of Hearing and Rehabilitation Services." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Division of Vocational Rehabilitation, the former Division of Services for the Blind, or the former Division of Services for the Deaf and Hard of Hearing. Where the former Division of Vocational Rehabilitation, the former Division of Services for the Blind, or the former Division of Services for the Deaf and Hard of Hearing is referred to by law or by a contract or other document, the reference is hereby deemed to apply to the Division of Blind, Deaf/Hard of Hearing and Rehabilitation Services.

c. The Office of Long-Term Care Services and Supports and the Office of Housing and Homelessness are hereby consolidated into the Division of Aging and Adult Services. All references to the "Office of Long-Term Care Services and Supports" or the "Office of Housing and Homelessness" are hereby deleted and replaced with the "Division of Aging and Adult Services." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the former Office of Long-Term Care Services and Supports or the former Office of Housing and Homelessness. Where the former Office of Long-Term Care Services and Supports or the former Office of Housing and Homelessness is referred to by law or by a contract or other document, the reference is hereby deemed to apply to the Division of Aging and Adult Services.

d. The Codifier of Rules shall reorganize the North Carolina Administrative Code, including specifically Title 10A, to reflect the reorganization of the Department of Health and Human Services. The Codifier of Rules shall make changes in the text of any affected rules to reflect changes in the organizational structure of the Department of Health and Human Services. The changes by the Codifier are exempt from the requirements

of Chapter 150B of the General Statutes and do not require the review or approval of the Rules Review Commission.

Section 8. Department of Transportation

a. The North Carolina State Ports Authority, as established by N.C. Gen. Stat. § 143B-452, is hereby transferred from the Department of Commerce to the Department of Transportation by a Type II transfer. Except for those management functions that shall be performed under the direction and supervision of the Secretary of Transportation pursuant to N.C. Gen. Stat. § 143A-6, the Ports Authority shall exercise all its prescribed statutory powers independently of the Secretary of Transportation. All references in Chapter 143B, Article 10, Part 10 of the General Statutes to the "Department of Commerce" are hereby deleted and replaced with the "Department of Transportation." All references in Chapter 143B, Article 10, Part 10 of the General Statutes to the "Secretary of Commerce" are hereby deleted and replaced with the "Secretary of Transportation." This Executive Order shall not affect any contract, agreement or other obligation of or obligation owed to the North Carolina State Ports Authority. Where the Department of Commerce is referred to by law or by a contract or other document related to the North Carolina State Ports Authority, the reference is hereby deemed to apply to the Department of Transportation.

b. The State Transportation Logistics Coordinating Council is hereby established. The Council shall be located administratively within, and shall exercise its powers within existing resources of, the Department of Transportation. The Council shall consist of the Secretary of Transportation, who shall serve as Chair, the Executive Director of the North Carolina Global TransPark, the Chief Executive Director of the North Carolina State Ports Authority, the President of the North Carolina Railroad Company, and other persons as determined necessary by the Secretary. The Council shall identify areas for cooperation among the State's transportation logistics entities, including improving the State's transportation services, coordinating on projects to create or expand companies in North Carolina or to attract companies to the State, and sharing of personnel and resources to the maximum extent practicable.

Section 9. Authority of Secretaries of Departments

Nothing in this Executive Order is intended to limit the ability of the department secretaries to organize and manage their departments as authorized by law. To the extent that any function of a former entity requires the exercise of exclusive or independent authority, the Secretary of the new entity shall ensure that such exclusive or independent authority is maintained.

Section 10. Implementation Flexibility and Resolution of Conflicts

This Order initiates a comprehensive, extended process requiring careful and well-managed implementation, evaluation, and assessment of the affected State departments and agencies and the services they provide to citizens. If the Governor or the Governor's designee determines that additional reorganization, consolidation, or elimination of State agencies not set forth in this Order is needed, the Governor or the Governor's designee shall have the flexibility to make such changes to the consolidation and reorganization of State Government that are beyond the scope of changes set forth in this Order, consistent with the Constitutional powers of the Governor.

Where a conflict or ambiguity arises regarding any transfer or action authorized by this Executive Order, the Governor or the Governor's designee shall resolve the matter, and the decision of the Governor or the Governor's designee shall be final.

Section 11. Effect

This Order will become effective and have the force of law unless specifically disapproved by either the House or Senate or specifically modified by joint resolution of the House and Senate prior to adjournment sine die.

Section 12. Distribution of Order

An original of this Executive Order will be delivered by hand on the day it is issued to the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Clerk of the Senate, and the Clerk of the House of Representatives.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-fifth day of March in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

Wendy Graf Ray (staff attorney) substantially contributed to this summary.
H1191-SMTO-0(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 231

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/8/11
House Committee Substitute Favorable 6/7/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S231-CSLB-128 [v.1]

Short Title: Municipal Incorporation Standards. (Public)

Sponsors:

Referred to:

March 8, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STANDARDS REQUIRED FOR INCORPORATION OF A MUNICIPALITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-163 reads as rewritten:

"**§ 120-163. Petition.**

(a) The process of seeking the recommendation of the Municipal Incorporations Subcommittee is commenced by filing with the Municipal Incorporations Subcommittee a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than ~~25~~50 registered voters of that area, asking for incorporation. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt. That period of 15 working days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the county board of elections.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The petition must contain a statement that the proposed municipality will have a budget ordinance with an ad valorem tax levy of at least ~~five cents (5¢)~~ twenty cents (20¢) on the one hundred dollar ($100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer ~~four~~ all of the following services no later than the first day of the third fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire

protection; (iii) ~~solid waste~~ wastewater treatment, collection or disposal; and (iv) water ~~distribution; (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning.~~The petition shall also list any other services the proposed municipality proposes to offer. In order to qualify for ~~providing police protection,~~offering a service, the proposed municipality must ~~propose either to provide police service or to have services provided by contract with a county or another municipality that proposes that the other government be compensated for providing supplemental protection.~~ either provide the service directly or through a contract in which the contracting party is compensated by the proposed municipality for providing the service, except in the case of water distribution or wastewater treatment if the entire area of the proposed municipality is within the service area of a water and sewer authority or other special district providing that service. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Municipal Incorporations Subcommittee the verified petition from the county board of elections.

(e) A petition must be submitted to the Municipal Incorporations Subcommittee at least 60 days prior to convening of the next regular session of the General Assembly in order for the Municipal Incorporations Subcommittee to make a recommendation to that session."

SECTION 2. G.S. 120-167 reads as rewritten:

"**§ 120-167. Additional criteria; population.**

The Commission may not make a positive recommendation unless the proposed municipality has a ~~permanent population of at least 100 and a~~ population density (either permanent or seasonal) of at least 250 persons per square ~~mile.~~mile and a population as defined in G.S. 120-166(a) equal to or greater than that provided in the following schedule:

If the proposed municipality is located within:

(1)	One-half mile of a municipality of under 5,000	250 persons.
(2)	One mile of a municipality of 5,000 to 9,999	500 persons.
(3)	Three miles of a municipality of 10,000 to 24,999	1,000 persons.
(4)	Four miles of a municipality of 25,000 to 49,999	2,000 persons.
(5)	Four miles of a municipality of 50,000 or more	4,000 persons."

SECTION 3. G.S. 120-172 reads as rewritten:

"**§ 120-172. Referendum.**

~~Based on information received at the public hearing, the Commission may~~ The Commission shall recommend that any incorporation act passed by the General Assembly ~~shall~~ be submitted to a referendum.~~referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.~~"

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 231

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/8/11
House Committee Substitute Favorable 6/7/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S231-CSLB-128 [v.1]

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(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt. That period of 15 working days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the county board of elections.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The petition must contain a statement that the proposed municipality will have a budget ordinance with an ad valorem tax levy of at least ~~five cents (5¢)~~ twenty cents (20¢) on the one hundred dollar ($100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer ~~four~~ all of the following services no later than the first day of the third fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire

protection; (iii) ~~solid waste~~ wastewater treatment, collection or disposal; and (iv) water ~~distribution; distribution. (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning.~~The petition shall also list any other services the proposed municipality proposes to offer. In order to qualify for ~~providing police protection,~~offering a service, the proposed municipality must ~~propose either to provide police service or to have services provided by contract with a county or another municipality that proposes that the other government be compensated for providing supplemental protection.~~ either provide the service directly or through a contract in which the contracting party is compensated by the proposed municipality for providing the service, except in the case of water distribution or wastewater treatment if the entire area of the proposed municipality is within the service area of a water and sewer authority or other special district providing that service. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Municipal Incorporations Subcommittee the verified petition from the county board of elections.

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The Commission may not make a positive recommendation unless the proposed municipality has a ~~permanent population of at least 100 and a~~ population density (either permanent or seasonal) of at least 250 persons per square ~~mile.~~mile and a population as defined in G.S. 120-166(a) equal to or greater than that provided in the following schedule:

If the proposed municipality is located within:

(1)	One-half mile of a municipality of under 5,000	250 persons.
(2)	One mile of a municipality of 5,000 to 9,999	500 persons.
(3)	Three miles of a municipality of 10,000 to 24,999	1,000 persons.
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SENATE BILL 231:
Municipal Incorp Standards/Water Extensions

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 19, 2012
Introduced by:	Sen. Hartsell	**Prepared by:**	Kelly Quick Committee Staff
Analysis of:	PCS to Third Edition S231-CSLB-128		

SUMMARY: Senate Bill 231 amends the standards required for incorporation of a municipality.

The PCS removes Section 4 of the bill, which required municipal governing board approval prior to specified extensions of water and sewer service by other nearby public water and sewer systems.

CURRENT LAW: Currently, in order to receive a favorable recommendation by the Municipal Incorporation Subcommittee of the Joint Legislative Committee on Local Government, the petition for incorporation must be signed by fifteen percent (15%) of the registered voters of that area and not less than 25 registered voters. The proposed tax rate must be at least five cents per $100 valuation.

The petition must also contain a statement that the proposed municipality will offer four of the following services: police protection, fire protection, solid waste collection or disposal, water distribution, street maintenance, street construction or right of way acquisition, and street lighting.

The Subcommittee cannot make a positive recommendation unless the proposed municipality has a permanent population of at least 100 and a population density of at least 250 persons per square mile.

Currently, the Subcommittee may recommend that any incorporation act passed by the General Assembly be submitted to a referendum, but the Subcommittee cannot recommend a referendum if the petition contained the signatures of 50% of the registered voters.

BILL ANALYSIS:

Section 1 of the PCS amends the standards for submission of a petition for incorporation to the Municipal Incorporations Subcommittee, in order for it to receive a favorable recommendation by the Subcommittee, to require 50 signatures and a proposed tax rate of at least 20 cents.

Section 1 also requires that in order to receive a favorable recommendation from the Subcommittee, all of the following services must be provided: police protection, fire protection, wastewater treatment, and water distribution, requires that the petition list any other services the proposed municipality will offer, and provides that the proposed municipality must either provide the service directly or through a contract, except in the case of water distribution or wastewater treatment if the entire area of the proposed municipality is within the service area of a water and sewer authority or other special district providing that service. It removes the requirement for street maintenance, street construction or right of way acquisition, and street lighting.

Section 2 of the PCS amends the population criteria to establish a minimum population if the proposed municipality is near another municipality.

Section 3 requires the Commission to recommend that any incorporation act passed by the General Assembly be submitted to a referendum.

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

SENATE BILL 231:
Municipal Incorp Standards/Water Extensions

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 19, 2012
Introduced by:	Sen. Hartsell	**Prepared by:**	Kelly Quick Committee Staff
Analysis of:	PCS to Third Edition S231-CSLB-128		

SUMMARY: Senate Bill 231 amends the standards required for incorporation of a municipality.

The PCS removes Section 4 of the bill, which required municipal governing board approval prior to specified extensions of water and sewer service by other nearby public water and sewer systems.

CURRENT LAW: Currently, in order to receive a favorable recommendation by the Municipal Incorporation Subcommittee of the Joint Legislative Committee on Local Government, the petition for incorporation must be signed by fifteen percent (15%) of the registered voters of that area and not less than 25 registered voters. The proposed tax rate must be at least five cents per $100 valuation.

The petition must also contain a statement that the proposed municipality will offer four of the following services: police protection, fire protection, solid waste collection or disposal, water distribution, street maintenance, street construction or right of way acquisition, and street lighting.

The Subcommittee cannot make a positive recommendation unless the proposed municipality has a permanent population of at least 100 and a population density of at least 250 persons per square mile.

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BILL ANALYSIS:

Section 1 of the PCS amends the standards for submission of a petition for incorporation to the Municipal Incorporations Subcommittee, in order for it to receive a favorable recommendation by the Subcommittee, to require 50 signatures and a proposed tax rate of at least 20 cents.

Section 1 also requires that in order to receive a favorable recommendation from the Subcommittee, all of the following services must be provided: police protection, fire protection, wastewater treatment, and water distribution, requires that the petition list any other services the proposed municipality will offer, and provides that the proposed municipality must either provide the service directly or through a contract, except in the case of water distribution or wastewater treatment if the entire area of the proposed municipality is within the service area of a water and sewer authority or other special district providing that service. It removes the requirement for street maintenance, street construction or right of way acquisition, and street lighting.

Section 2 of the PCS amends the population criteria to establish a minimum population if the proposed municipality is near another municipality.

Section 3 requires the Commission to recommend that any incorporation act passed by the General Assembly be submitted to a referendum.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 6/19/2012

S. B. No. 141 Amendment No. _____

COMMITTEE SUBSTITUTE X (to be filled in by Principal Clerk)

Rep.)
) Moore
Sen.)

moves to amend the bill on page 6 by inserting the following between lines 16 and 17, line _____

( ) WHICH CHANGES THE TITLE

by ~~add~~

"(e) Nothing in this section shall prevent the parties to the action from entering into an agreement for appropriate relief, including an agreement as to any aspect, of procedural or otherwise, of a motion for appropriate relief."

SIGNED _____

ADOPTED X FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HJR 1224 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM MANER "BILL" IVES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 141 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY PERSON WHO IS A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY, OR INVESTIGATOR EMPLOYED BY THE OFFICE OF A DISTRICT ATTORNEY AND WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Judiciary Subcommittee B

(FOR JOURNAL USE ONLY)

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

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 1191 A HOUSE RESOLUTION SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO. 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE REORGANIZATIONS BY LEGISLATION.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 661 A BILL TO BE ENTITLED AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 231 A BILL TO BE ENTITLED AN ACT TO AMEND THE STANDARDS REQUIRED FOR INCORPORATION OF A MUNICIPALITY AND TO REQUIRE APPROVAL OF THE MUNICIPAL GOVERNING BOARD PRIOR TO CERTAIN EXTENSIONS OF WATER OR SEWER SERVICE BY OTHER GOVERNMENT ENTITIES.

☒ With a favorable report as to House committee substitute bill 2, unfavorable as to House committee substitute bill 1.

(FOR JOURNAL USE ONLY)

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

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 1191 A HOUSE RESOLUTION SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO. 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE REORGANIZATIONS BY LEGISLATION.

☒ With recommendation that it be adopted.

(FOR JOURNAL USE ONLY)

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

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

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 6-19-2012 **Room:** 1228

*Name: Mimi McCarthy
County: Pitt
Sponsor: E. WARREN
*Name: Odom Williford
County: Orange
Sponsor: Hackney
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: Larry Elliott
3. Name:
4. Name:
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

RULES — 6-19-12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jason Deans	J.D. + A.
Jamie Ameris	JDA
Mia Bailey	Electric Cities
Cameron Henley	" "
Sarah Wolfe	MWC
Cady Thomas	NCAR
Wendy Reeds	Policy Group
[illegible]	[illegible]
Johanna Reese	DMN
Susanna Hailey	K&L Gates
[illegible]	TSS

VISITOR REGISTRATION SHEET

Rules — 6-19-12

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David McGowan	NCAR
Leo Russell	CGPC
Stephen Kaiser	Compassnc
Tommy Stevens	NRPC
Penn Broyhill	WCSR
Tommy Senter	Moore and Van Allen
K Bestman	TSS
Zeb Alloy	NMRS
Rebecca Troutman	NCACC
Alisa Willett	NCACC
Kevin Leonard	NCACC

VISITOR REGISTRATION SHEET

Rules — 6-19-12

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Sherman	NCFB
Christy Agnew	DOA
Susan Camilli	DOA
Lisa Martin	NCHBA
Kelli Kelma	NCLM
Wesley Jones	Jones / Pace
Matt Williams	Civitas
Bo Hall	McGuireWoods
Colleen Kochanek	KLG
Doug Lassiter	NCSTA
Kan Barsness	NC DENR

VISITOR REGISTRATION SHEET

Rules — 6-19-12

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kim Wilson	NCAJ
Philip Isley	Bayer
Gary Robertson	AP
Kim Crouch	NCBA
Mitch Leonard	SEANC
Stanley Thompson	Weyerhaeuser
Elizabeth Bis	Brooks Pi
Shannon Cumbo	NS
Bill Scoggin	JCS
Tom Bean	CDF
Steve Peterson	SML

VISITOR REGISTRATION SHEET

Rules — 6-19-12

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug K. Rowe	Attorney at Law
Robin Smith	DENR
Harvey Whitaker	N.C.B.A.

VISITOR REGISTRATION SHEET

Rules — Name of Committee

6-19-12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MayBe McMillan	NC AFL-CIO
Annaliese Dolph	DENR
Susanne Davis	NC Gov Office
Jeneee Watt	NCASA
Clare FitzGerald	DENR
[signature]	OSA
Jessica Archer	OSA
Tim Hoegemeyer	OSA
Elise Quick	Troutman Sanders
Chuck Stone	SEANC
Suzanne Beasley	SEANC
Mitch Leonard	SEANC

VISITOR REGISTRATION SHEET

RULES — 6-19-12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barbara Carlew	BSCC
Whitney Christensen	NCRLA
[illegible]	Infocus Inc.
[illegible]	TW Agents
[illegible]	NCEL
Rick Techini	Progress Energy
Andrew Cagle	NC Sheriffs' Assn.
Ben Schaumberg	NCSBA
Christine Munsell	SOG - Daily Bulletin
Lauren Whaley	NCCUL
Doug Heron	NM

VISITOR REGISTRATION SHEET

Rules — Name of Committee

6-19-12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dean Plunkett	PS
[signature]	H&A
Darrell Allen	PEFNC

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 20, 2012

The Committee on Rules, Calendar and Operations of the House met on June 20, 2012 at 12:09 p.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore, Chairman and Representative LaRoque, Chairman; Representatives Alexander, Blust, Daughtry, Faison, Famer-Butterfield, Folwell, Hackney, Hill, Jeffus, Johnson, Luebke, Parmon, Saine, Samuelson, and Stone.

Chairman Moore presided.

The following bills were considered:

HJR 1227, Disapprove New River Basin Rule. (Representative Jordan, Primary Sponsor) Chairman Moore stated that the bill sponsor was working with the stakeholders of the bill and the bill would be displaced and moved to the House Committee on Environment.

SJR 958, Honor Jim Forester. (Senator Carney, Primary Sponsor) Rep. Moore recognized Rep. Torbett to explain the bill. No discussion and debate on the bill. Rep. Moore recognized Rep. Parmon who motioned for a favorable report. Vote was called and the motioned passed.

Rep. Moore adjourned at 12:30 p.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Rules, Calendar, and Operations of the House

Agenda

June 20, 2012. 12:00 p.m.

Room 1328 LB

Representative Tim Moore Presiding

Remarks:

HB 1227	Disapprove New River Basin Rule.	Representative Jordan
SJR 958	Honor Jim Forrester.	Senator Carney

Adjourn

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 20, 2012
TIME: 12:00 pm
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1227	Disapprove New River Basin Rule.	Representative Jordan
SJR 958	Honor Jim Forrester.	Senator Carney

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **June 19, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

H.B. 1227
Jun 14, 2012
HOUSE PRINCIPAL CLERK

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH11374-MC-277 (05/17)

Short Title:	Disapprove New River Basin Rule.	(Public)
Sponsors:	Representative Jordan.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO DISAPPROVE A RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION AND APPROVED BY THE RULES REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Pursuant to G.S. 150B-21.3(b1), 15A NCAC 02B .0307 (New River Basin), as adopted by the Environmental Management Commission on January 1, 2012, and approved by the Rules Review Commission on February 16, 2012, is disapproved.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE JOINT RESOLUTION 958

Sponsors:	Senators Carney (Primary Sponsor); Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clodfelter, Daniel, Dannelly, Davis, East, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Robinson, Rouzer, Rucho, Tillman, Tucker, Vaughan, Walters, Westmoreland, and White.
Referred to:	Calendar 6-12-12.

June 11, 2012

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES SUMMERS "JIM" FORRESTER, SR., MD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, James Summers "Jim" Forrester, Sr. was born on January 8, 1937, in Aberdeen, Scotland, to the late James Summers and Agnes "Nancy" McLennan Forrester of Glasgow, Scotland; and

Whereas, after the death of his father, Jim Forrester, age 11, and his mother, "Nancy," immigrated to the United States; settled in Wilmington, North Carolina, with sponsorship; and later applied for and received their citizenship; and

Whereas, Jim Forrester graduated from New Hanover High School in Wilmington in 1954; earned his Bachelor of Science Degree from Wake Forest University in 1958; graduated from Bowman Gray School of Medicine at Wake Forest University in 1962; completed his internship at North Carolina Baptist Hospital in 1963; received a Master's Degree in Public Health from the University of North Carolina at Chapel Hill in 1978; and was Board Certified in Preventive Medicine in 1984; and

Whereas, Jim Forrester operated a family medical practice in Stanley, North Carolina, for 46 years. He was a member of over 15 professional medical organizations during his career, and he served as the Medical Director at Brian Center Nursing Home and Peak's Nursing Home in Gaston County; and

Whereas, Jim Forrester was a past board member or president of over 16 community service organizations and received over 17 community service awards during his lifetime, including the Order of the Long Leaf Pine and the Jefferson Award for Community Service; and

Whereas, Jim Forrester served his country by flying air evacuation in the Vietnam War, served as a flight surgeon, and performed foreign medical missions in Central America during his military career. He was honored for his service and retired with the rank of Brigadier General with the North Carolina Air National Guard. Jim Forrester's illustrious military career spanned 34 years, and he received over 12 awards and medals for his service, including the Legion of Merit Award; and

Whereas, Jim Forrester served as a member of the North Carolina Senate from 1991 to 2011, during which time he served as Senate Minority Whip, Deputy Republican Leader of the Senate, Republican Leader of the Senate, Joint Republican Caucus Leader; and in 2011, Deputy President Pro Tempore of the Senate; and

Whereas, Jim Forrester was a faithful member, Deacon, and Trustee of the First Baptist Church in Stanley; and

Whereas, Jim Forrester will be fondly remembered for his service and integrity, his devotion to his family and community, and his unwavering spirit in defending his country; and

Whereas, Jim Forrester died on October 31, 2011, at the age of 74, while serving as a member of the North Carolina Senate. He was interred at Arlington National Cemetery on March 26, 2012, with full military honors; and

Whereas, Jim Forrester is survived by his wife of 51 years, Mary Frances All Forrester; his three daughters, Wynn Forrester Maxwell and husband Michael C. Maxwell, MD; Gloria Forrester Lucioni and husband Marco Lucioni; Mary Paige Forrester Blalock and husband Thomas Blalock; and a son, James Summers Forrester, Jr., MD, and wife Teresa Fore Forrester. He is also survived by one sister, Lillian Forrester of Glasgow, Scotland, and eight grandchildren: William Henry Forrester Maxwell, John David Thomas Maxwell, Mary Martha McLennan Maxwell, Tomas Matias Lucioni, Daniel Lucas Lucioni, James Summers Forrester III, Amy Elizabeth Forrester, and William Tyler Forrester; Now, therefore,

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

SECTION 1. The General Assembly honors the life and memory of James Summers "Jim" Forrester, Sr., MD, and expresses its appreciation for his accomplishments and for the great service he gave to the citizens of the United States, the State of North Carolina, and the citizens of Catawba, Cleveland, Gaston, Lincoln, Iredell, and Rutherford Counties.

SECTION 2. The General Assembly extends its deepest sympathy to the family of James Summers "Jim" Forrester, Sr. for the loss of a beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of James Summers "Jim" Forrester, Sr.

SECTION 4. This resolution is effective upon ratification.

H.B. 1227
Jun 14, 2012
HOUSE PRINCIPAL CLERK

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH11374-MC-277 (05/17)

Short Title:	Disapprove New River Basin Rule.	(Public)
Sponsors:	Representative Jordan.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO DISAPPROVE A RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION AND APPROVED BY THE RULES REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Pursuant to G.S. 150B-21.3(b1), 15A NCAC 02B .0307 (New River Basin), as adopted by the Environmental Management Commission on January 1, 2012, and approved by the Rules Review Commission on February 16, 2012, is disapproved.

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

15A NCAC 02B .0307 is proposed for amendment as follows:

15A NCAC 02B .0307 NEW RIVER BASIN

(a) The New River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:

(1) the Internet at http://h2o.enr.state.nc.us/csu/; and

(2) the North Carolina Department of Environment and Natural Resources:

(A) Asheville Regional Office
2090 US Highway 70
Swannanoa, North Carolina;

(B) Winston-Salem Regional Office
585 Waughtown Street
Winston-Salem, North Carolina; and

(C) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering the State of Tennessee are classified "C."

(c) The New River Basin Schedule of Classifications and Water Quality Standards was amended effective:

(1) August 10, 1980 see Paragraph (d) of this Rule;

(2) April 1, 1983 see Paragraph (e) of this Rule;

(3) February 1, 1986 see Paragraph (f) of this Rule;

(4) August 1, 1989 see Paragraph (g) of this Rule;

(5) August 1, 1990 see Paragraph (h) of this Rule;

(6) August 3, 1992 see Paragraph (i) of this Rule;

(7) February 1, 1993 see Paragraph (j) of this Rule;

(8) August 1, 1998 see Paragraph (k) of this Rule;

(9) November 1, 2007 see Paragraph (l) of this Rule;

(10) December 1, 2010 see Paragraph (m) of this ~~Rule.~~Rule; and

(11) March 1, 2012 see Paragraph (n) of this Rule.

(d) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 10, 1980 as follows:

(1) South Fork New River [Index No. 10-1-(1)] from the confluence of the Middle Fork South Fork New River and the East Fork South Fork New River to Winkler Creek was reclassified from Class C to Class A-II;

(2) Middle Fork South Fork New River [Index Nos. 10-1-2-(6) and 10-1-2-(14)] from Brown Branch to the South Fork New River was reclassified from Class C and C Trout to Class A-II and A-II Trout;

(3) East Fork South Fork New River [Index Nos. 10-1-3-(1) and 10-1-3-(7)] was reclassified from Class C and C Trout to Class A-II and A-II Trout; and

(4) Winkler Creek [Index No. 10-1-4-(2) from Boone water supply intake dam to Watauga County SR 1549 and Flannery Fork [Index No. 10-1-4-3-(2)] from the dam at Camp Sky Ranch Bathing Lake to Winkler Creek were reclassified from Class C Trout to Class A-II Trout.

(e) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective April 1, 1983 as follows: Naked Creek [Index No. 10-1-32] was reclassified from Class C Trout to Class C.

(f) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective February 1, 1986 with the reclassification of all Class A-I and A-II streams to Class WS-I and WS-III in the New River Basin.

(g) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective July 1, 1989 as follows: South Fork New River [Index No. 10-1-(30)] from Dog Creek to New River and all tributary waters were reclassified from Class C-trout and Class C to Class B-trout and B.

(h) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 1, 1990 as follows:

(1) New River [Index No. 10] from the confluence of the North and South Forks New River to the last point at which the New River crosses the North Carolina/Virginia State line was reclassified from Class C to Class C HQW;

(2) South Fork New River [Index Nos. 10-1-(14.5), 10-1-(26), 10-1-(30), and 10-1-(33.5)] from Elk Creek to the confluence of the New River and North Fork New River was reclassified from Class C, B and WS-III to Class C HQW, B HQW and WS-III HQW;

(3) Howard Creek [Index Nos. 10-1-9-(1) and 10-1-9-(6)] from source to the South Fork New River was reclassified from Class WS-III Trout and C Trout to Class WS-III Trout HQW and C Trout HQW;

(4) Big Horse Creek [Index No. 10-2-21-(5.5)] from North Carolina/Virginia State line to lower Ashe County SR 1361 bridge was reclassified from Class C Trout to Class C Trout HQW; and

(5) Little River [Index No. 10-9-(11.5)] from N.C. Hwy. 18 bridge to the North Carolina/Virginia State line was reclassified from Class C to Class C HQW.

(i) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV

or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(j) The Schedule of Classifications and Water Quality Standards for the New River Basin has been amended effective February 1, 1993 as follows:

(1) the South Fork New River (Index No. 10-1-33.5) from Dog Creek to the New River was reclassified from Class B HQW to Class B ORW;

(2) the New River (Index No. 10) from the confluence of the North And South Fork New Rivers to the last point at which it crosses the North Carolina/Virginia State line was reclassified from Class C HQW to Class C ORW; and

(3) Old Field Creek (Index No. 10-1-22) from Call Creek to the South Fork New River, and Call Creek (Index No. 10-1-22-1) from its source to Old Field Creek were reclassified from Class WS-IV Trout to Class WS-IV Trout ORW.

(k) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 1, 1998 with the revision to the primary classification for a portion of the South Fork New River [Index No. 10-1 (20.5)] from Class WS-IV to Class WS-V.

(l) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective November 1, 2007 with the reclassification of Bluff Mountain Fen near Buffalo Creek [Index No. 10-2-20] to Class WL UWL as defined in 15A NCAC 02B .0101. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

(m) The Schedule of Classifications and Water Quality Standards for the New River Basin is amended effective December 1, 2010 with the reclassification of the North Fork New River [Index Nos. 10-2-(1), 10-2-(12)] and its tributaries from C+, C+ Trout and C Trout HQW to C ORW and C Trout ORW with the exception of the following:

(1) Index Nos. 10-2-21-9, 10-2-21-(8), 10-2-(11) and 10-2-20 were reclassified from C+ and C Trout + to C HQW and C Trout HQW; and

(2) Little Buffalo Creek and Claybank Creek (Index Nos. 10-2-20-1 and 10-2-20-1-1) did not qualify for the ORW or HQW designation; however, these waters shall be managed in the same way as the downstream designated HQW areas.

(n) The Schedule of Classifications and Water Quality Standards for the New River Basin is amended effective March 1, 2012 as follows:

(1) a portion of the South Fork New River [Index No. 10-1-(14.5)] from the Town of Boone's intake, located nearly 0.5 miles upstream of SR 1100, to a point approximately 875 feet downstream of SR 1351 from C HQW to WS-V CA HQW;

(2) a portion of the South Fork New River [Index No. 10-1-(14.5)] from a point nearly 875 feet downstream of SR 1351 to Elk Creek from C HQW to WS-IV HQW; and

(3) a portion of the South Fork New River [Index No. 10-1-(3.5)] from Elk Creek to a point approximately 1.8 miles upstream of SR 1351 from C+ to WS-IV +.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. March 1, 2012; December 1, 2010; November 1, 2007; August 1, 1998; February 1, 1993; August 3, 1992; August 1, 1990; August 1, 1989.

SENATE JOINT RESOLUTION 958

Sponsors:	Senators Carney (Primary Sponsor); Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clodfelter, Daniel, Dannelly, Davis, East, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Robinson, Rouzer, Rucho, Tillman, Tucker, Vaughan, Walters, Westmoreland, and White.
Referred to:	Calendar 6-12-12.

June 11, 2012

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES SUMMERS "JIM" FORRESTER, SR., MD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, James Summers "Jim" Forrester, Sr. was born on January 8, 1937, in Aberdeen, Scotland, to the late James Summers and Agnes "Nancy" McLennan Forrester of Glasgow, Scotland; and

Whereas, after the death of his father, Jim Forrester, age 11, and his mother, "Nancy," immigrated to the United States; settled in Wilmington, North Carolina, with sponsorship; and later applied for and received their citizenship; and

Whereas, Jim Forrester graduated from New Hanover High School in Wilmington in 1954; earned his Bachelor of Science Degree from Wake Forest University in 1958; graduated from Bowman Gray School of Medicine at Wake Forest University in 1962; completed his internship at North Carolina Baptist Hospital in 1963; received a Master's Degree in Public Health from the University of North Carolina at Chapel Hill in 1978; and was Board Certified in Preventive Medicine in 1984; and

Whereas, Jim Forrester operated a family medical practice in Stanley, North Carolina, for 46 years. He was a member of over 15 professional medical organizations during his career, and he served as the Medical Director at Brian Center Nursing Home and Peak's Nursing Home in Gaston County; and

Whereas, Jim Forrester was a past board member or president of over 16 community service organizations and received over 17 community service awards during his lifetime, including the Order of the Long Leaf Pine and the Jefferson Award for Community Service; and

Whereas, Jim Forrester served his country by flying air evacuation in the Vietnam War, served as a flight surgeon, and performed foreign medical missions in Central America during his military career. He was honored for his service and retired with the rank of Brigadier General with the North Carolina Air National Guard. Jim Forrester's illustrious military career spanned 34 years, and he received over 12 awards and medals for his service, including the Legion of Merit Award; and

Whereas, Jim Forrester served as a member of the North Carolina Senate from 1991 to 2011, during which time he served as Senate Minority Whip, Deputy Republican Leader of the Senate, Republican Leader of the Senate, Joint Republican Caucus Leader; and in 2011, Deputy President Pro Tempore of the Senate; and

Whereas, Jim Forrester was a faithful member, Deacon, and Trustee of the First Baptist Church in Stanley; and

Whereas, Jim Forrester will be fondly remembered for his service and integrity, his devotion to his family and community, and his unwavering spirit in defending his country; and

Whereas, Jim Forrester died on October 31, 2011, at the age of 74, while serving as a member of the North Carolina Senate. He was interred at Arlington National Cemetery on March 26, 2012, with full military honors; and

Whereas, Jim Forrester is survived by his wife of 51 years, Mary Frances All Forrester; his three daughters, Wynn Forrester Maxwell and husband Michael C. Maxwell, MD; Gloria Forrester Lucioni and husband Marco Lucioni; Mary Paige Forrester Blalock and husband Thomas Blalock; and a son, James Summers Forrester, Jr., MD, and wife Teresa Fore Forrester. He is also survived by one sister, Lillian Forrester of Glasgow, Scotland, and eight grandchildren: William Henry Forrester Maxwell, John David Thomas Maxwell, Mary Martha McLennan Maxwell, Tomas Matias Lucioni, Daniel Lucas Lucioni, James Summers Forrester III, Amy Elizabeth Forrester, and William Tyler Forrester; Now, therefore,

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

SECTION 1. The General Assembly honors the life and memory of James Summers "Jim" Forrester, Sr., MD, and expresses its appreciation for his accomplishments and for the great service he gave to the citizens of the United States, the State of North Carolina, and the citizens of Catawba, Cleveland, Gaston, Lincoln, Iredell, and Rutherford Counties.

SECTION 2. The General Assembly extends its deepest sympathy to the family of James Summers "Jim" Forrester, Sr. for the loss of a beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of James Summers "Jim" Forrester, Sr.

SECTION 4. This resolution is effective upon ratification.

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SJR 958 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES SUMMERS "JIM" FORRESTER, SR., MD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

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SJR 958 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES SUMMERS "JIM" FORRESTER, SR., MD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 8/20/12 **Room:** 1228

*Name: Hannah Jones ✓
County: Cumberland
Sponsor: Parfitt

~~*Name: Ammis Roberts X~~
~~County: Columbus~~
~~Sponsor: Hill~~

~~*Name: Catherine Carter X~~
~~County: Wake~~
~~Sponsor: Stam~~

*Name: Edward Landi
County: Wake
Sponsor: Parfitt, D.

*Name: Colin Williford
County: ~~Orange~~ Orange
Sponsor: Hackney

House Sgt-At Arms:

1. Name: Young Bae
Name: Carmello Morello
3. Name:
4. Name:
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

Rules — 6/20/12

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michael Notarangelo	
Daniel Ware	
Tommy Senn	Moore and Van Allen
David McNeal	NCAR
DAVID BARNES	DOS
Meredith Smalley	The Policy Group
Bill Crabtree	DOS

VISITOR REGISTRATION SHEET

Rules — 6/20/12

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Ball	Town of Boone
Lawton Clawson	Town of Boone
Dennis DeLong	USDA - Rural Development
Kathy Hawkins	Duke Energy
Don Hearn	WM
Heather Barrett	WM

Box #	Year	Chamber	Committee
9	2012	House	Rules (cont.)
9	2011-2012	House	State Personnel
9	2011-2012	House	Transportation
9	2011-2012	Senate	Agriculture/Environment/Nat. Res.
9	2011	Senate	Appropriations Base Budget (through June 8, 2011)

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 21, 2012

The Committee on Rules, Calendar and Operations of the House met on June 21, 2012 at 10:18 a.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore Chairman, and Representative LaRoque, Chairman; Representatives Blust, Crawford, Daughtry, Famer-Butterfield, Folwell, Hackney, Hill, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Saine, and Stam.

Chairman Moore presided.

The following bills were considered:

HR 1222, NC Symphony's 80th Anniversary. (Representatives Dollar, Crawford, and Gillespie, Primary Sponsors). Chairman Moore recognized Rep. Dollar to explain the bill. Rep. Moore recognized Rep. Crawford who sent forth an amendment. He motioned for the amendment to be adopted. Vote was called and the motion passed. No discussion or debate. Rep. LaRoque was recognized by Rep. Moore. He motioned for a favorable report to the bill as amended and to be rolled into a PCS, unfavorable to the bill. Vote was called and the motion passed.

SB 426, Public Finance Laws/Municipal Service Dists. (Senator Clodfelter, Primary Sponsor). Rep Moore recognized Rep. LaRoque who motioned for the PCS to be before the committee. Rep. Shepard was recognized to explain the bill. Rep. Moore suspended the Chair to Rep. LaRoque. Rep. LaRoque recognized Rep. Moore to explain part of the bill. Discussion and debate on the bill. The committee decided to displace the bill until the next meeting.

Rep. Moore adjourned the meeting at 10:41 p.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

n:	Nancy Garriss (Rep. Tim Moore)
...t:	Wednesday, June 20, 2012 5:58 PM
To:	Rep. Nelson Dollar; Rep. Jim Crawford; Rep. Mitch Gillespie; Sen. Daniel Clodfelter
Cc:	Candace Slate (Rep. Dollar); Linda Winstead (Rep. Jim Crawford); Ted Harrison (Sen. Daniel Clodfelter)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thu, 06-21-2012 at 10:00 am

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 21, 2012
TIME: 10:00 am
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 1222	NC Symphony's 80th Anniversary.	Representative Dollar Representative Crawford, Jr. Representative Gillespie
SB 426	Public Finance Laws/Municipal Service Dists.	Senator Clodfelter

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **5 PM** o'clock on **June 20, 2011.**

Principal Clerk
...ading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

June 21, 2012. 10:00 a.m.

Room 1328 LB

Representative Tim Moore Presiding

Remarks:

HR 1222	NC Symphony's 80th Anniversary.	Representative Dollar Representative Crawford, Jr. Representative Gillespie
SB 426	Public Finance Laws/Municipal Service Dists.	Senator Clodfelter

Adjourn

HOUSE RESOLUTION 1222

Sponsors:	Representatives Dollar, Crawford, and Gillespie (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

June 7, 2012

A HOUSE RESOLUTION HONORING THE NORTH CAROLINA SYMPHONY AND ITS FOUNDERS.

Whereas, the North Carolina Symphony played its first concert under its founding conductor Lamar Stringfield on May 14, 1932, at Hill Hall on the campus of the University of North Carolina at Chapel Hill; and

Whereas, the tireless efforts of Dr. Benjamin and Maxine Swalin led to passage by the North Carolina General Assembly of the historic "Horn-Tootin' Bill" in 1943, thus establishing a 69-year partnership with the State of North Carolina and forming the basis for the most far-reaching music education program in the United States; and

Whereas, the North Carolina Symphony has, since that day, traveled more than 500,000 miles by bus to present concerts throughout the State of North Carolina, delighting and entertaining generations of citizens by demonstrating the highest level of artistic quality and performance standards, and embracing its dual legacies of statewide service and music education; and

Whereas, the North Carolina Symphony offers 45 yearly education concerts for schoolchildren across the State, as well as professional development workshops for teachers that support North Carolina curriculum standards in education and supplement the North Carolina Symphony education concerts, and through its Ensembles in the Schools program, visits classrooms for an interactive performance and learning experience; and

Whereas, the North Carolina Symphony further enhances music opportunities for young people in North Carolina through programs such as the Instrument Zoo, an opportunity for young people to see instruments and try them out; Young Strings of the Triangle, a private lesson program for string students created to nurture and develop the musical potential of minority and under served players; and North Carolina Symphony Youth Sinfonietta, a chamber orchestra of talented young musicians selected by audition; and

Whereas, the North Carolina Symphony recognizes excellence in young musicians and helps them launch their careers through its annual Kathleen Price and Joseph M. Bryan Youth Concerto Competition, and in music educators through its annual Maxine Swalin Award for Outstanding Music Educator; and

Whereas, the North Carolina Symphony, celebrating its 80th concert season in 2012-2013, continues to be artistically inspirational, creative, and vibrant; educationally essential and relevant; and organizationally excellent and community-minded; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Lamar Stringfield, Dr. Benjamin Swalin, and Maxine Swalin and expresses its appreciation for their roles in founding the North Carolina Symphony.

SECTION 2. The House of Representatives proclaims 2012 as "North Carolina Symphony Year" in recognition of the North Carolina Symphony's outstanding record of 80 years of service.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the President of the North Carolina Symphony.

SECTION 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 4

SENATE BILL 426

Finance Committee Substitute Adopted 5/10/11
Finance Committee Substitute No. 2 Adopted 5/18/11
House Committee Substitute Favorable 6/19/12

Short Title: Public Finance Laws/Municipal Service Dists. (Public)

Sponsors:

Referred to:

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES AND TO AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159-28(a) reads as rewritten:

"(a) Incurring Obligations. – No obligation may be incurred in a program, function, or activity accounted for in a fund included in the budget ordinance unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. No obligation may be incurred for a capital project or a grant project authorized by a project ordinance unless that project ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay the sums obligated by the transaction. If an obligation is evidenced by a contract or agreement requiring the payment of money or by a purchase order for supplies and materials, the contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with this ~~subsection.~~ subsection unless the obligation or a document related to the obligation has been approved by the Local Government Commission, in which case no certificate shall be required. The certificate, which shall be signed by the finance officer or any deputy finance officer approved for this purpose by the governing board, shall take substantially the following form:

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____

(Signature of finance officer)."

Certificates in the form prescribed by G.S. 153-130 or 160-411 as those sections read on June 30, 1973, or by G.S. 159-28(b) as that section read on June 30, 1975, are sufficient until supplies of forms in existence on June 30, 1975, are exhausted.

An obligation incurred in violation of this subsection is invalid and may not be enforced. The finance officer shall establish procedures to assure compliance with this subsection."

SECTION 2. G.S. 159-54 reads as rewritten:

"**§ 159-54. The bond order.**

After or at the same time the application is filed ~~and accepted for submission to~~ with the Commission, a bond order shall be introduced before the governing board of the issuing unit. The bond order shall state:

(1) Briefly and generally and without specification of location or material of construction, the purpose for which the bonds are to be issued, but not more than one purpose may be stated. For funding or refunding bonds a brief description of the debt, judgment, or obligation to be funded or refunded shall be sufficient.

(2) The maximum aggregate principal amount of the bonds.

(3) That taxes will be levied in an amount sufficient to pay the principal and interest of the bonds.

(4) The extent, if any, to which utility or enterprise revenues are, or may be, pledged to payment of interest on and principal of the bonds pursuant to G.S. 159-47.

(5) That a sworn statement of debt has been filed with the clerk and is open to public inspection.

(6) If the bonds are to be approved by the voters, that the bond order will take effect when approved by the voters.

(7) If the bonds are issued pursuant to G.S. 159-48(a)(1), (2), (3), or (5), that the bond order will take effect upon its adoption. If the bonds are to be issued pursuant to G.S. 159-48(a)(4), (6), or (7) or G.S. 159-48(b), (c), or (d) and are not to be submitted to the voters, that the bond order will take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in G.S. 159-60, and that in that event the order will take effect when approved by the voters.

When the bond order is introduced, the board shall fix the time and place for a public hearing thereon."

SECTION 3. G.S. 159-88(a) reads as rewritten:

"(a) At any time after an application is filed with the Commission ~~approves an application~~ for the issuance of revenue bonds, (i) in the case of the State, the Council of State and (ii) in the case of a municipality, the governing board of the municipality may adopt a revenue bond order pursuant to this Article."

SECTION 4. G.S. 160A-537(d) reads as rewritten:

"(d) Effective Date. – Except as otherwise provided in this subsection, the~~The~~ resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city ~~council, except that if~~ council. If the governing body in the resolution states that general obligation bonds or special obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its ~~adoption, but~~adoption or as otherwise provided in the resolution. However, no ad valorem tax may be levied for a partial fiscal year."

SECTION 5. If any provision of this act or its application is held invalid, the invalidity does not affect the other provisions or applications of this act that can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1222 DATE 6/21/12

S. B. No. _____ Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Sen.) Crawford

moves to amend the bill on page 1, line 16

( ) WHICH CHANGES THE TITLE

by inserting the following after the word "Swalin":

"and then-First Lady Alice Broughton,"

and on page 2, line 2

by inserting the following after the words "Dr. Benjamin Swalin, and Maxine Swalin":

~~"and then-First Lady~~ Alice Broughton"

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 426
Finance Committee Substitute Adopted 5/10/11
Finance Committee Substitute No. 2 Adopted 5/18/11
House Committee Substitute Favorable 6/19/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S426-CSRC-69 [v.1]

6/21/2012 10:13:20 AM

Short Title: Public Finance Laws/Municipal Service Dists. (Public)

Sponsors:

Referred to:

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES, TO AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT AND TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159-28(a) reads as rewritten:

"(a) Incurring Obligations. – No obligation may be incurred in a program, function, or activity accounted for in a fund included in the budget ordinance unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. No obligation may be incurred for a capital project or a grant project authorized by a project ordinance unless that project ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay the sums obligated by the transaction. If an obligation is evidenced by a contract or agreement requiring the payment of money or by a purchase order for supplies and materials, the contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with this ~~subsection.~~ subsection unless the obligation or a document related to the obligation has been approved by the Local Government Commission, in which case no certificate shall be required. The certificate, which shall be signed by the finance officer or any deputy finance officer approved for this purpose by the governing board, shall take substantially the following form:

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____

(Signature of finance officer)."

Certificates in the form prescribed by G.S. 153-130 or 160-411 as those sections read on June 30, 1973, or by G.S. 159-28(b) as that section read on June 30, 1975, are sufficient until supplies of forms in existence on June 30, 1975, are exhausted.

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"**§ 159-54. The bond order.**

After or at the same time the application is filed ~~and accepted for submission to~~ with the Commission, a bond order shall be introduced before the governing board of the issuing unit. The bond order shall state:

(1) Briefly and generally and without specification of location or material of construction, the purpose for which the bonds are to be issued, but not more than one purpose may be stated. For funding or refunding bonds a brief description of the debt, judgment, or obligation to be funded or refunded shall be sufficient.

(2) The maximum aggregate principal amount of the bonds.

(3) That taxes will be levied in an amount sufficient to pay the principal and interest of the bonds.

(4) The extent, if any, to which utility or enterprise revenues are, or may be, pledged to payment of interest on and principal of the bonds pursuant to G.S. 159-47.

(5) That a sworn statement of debt has been filed with the clerk and is open to public inspection.

(6) If the bonds are to be approved by the voters, that the bond order will take effect when approved by the voters.

(7) If the bonds are issued pursuant to G.S. 159-48(a)(1), (2), (3), or (5), that the bond order will take effect upon its adoption. If the bonds are to be issued pursuant to G.S. 159-48(a)(4), (6), or (7) or G.S. 159-48(b), (c), or (d) and are not to be submitted to the voters, that the bond order will take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in G.S. 159-60, and that in that event the order will take effect when approved by the voters.

When the bond order is introduced, the board shall fix the time and place for a public hearing thereon."

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"(d) Effective Date. – Except as otherwise provided in this subsection, the~~The~~ resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city ~~council, except that if~~ council. If the governing body in the resolution states that general obligation bonds or special obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its ~~adoption, but~~adoption or as otherwise provided in the resolution. However, no ad valorem tax may be levied for a partial fiscal year."

SECTION 4.1. Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-329. Provision of water and sewer service in a designated urban growth area.**

A city that extends water and sewer service to a designated urban growth area outside its corporate limits may not deny water and sewer service to a property owner that the city includes in that urban growth area for reasons not applied equally to property owners within the corporate limits."

SECTION 5. If any provision of this act or its application is held invalid, the invalidity does not affect the other provisions or applications of this act that can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 1222 A HOUSE RESOLUTION HONORING THE NORTH CAROLINA SYMPHONY AND ITS FOUNDERS.

☒ With recommendation that the committee substitute resolution be adopted, unfavorable as to original resolution.

(FOR JOURNAL USE ONLY)

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

_____ Pursuant to Rule 36(b), the committee substitute bill/resolution is placed on the Calendar of _____. The original resolution is placed on the Unfavorable Calendar.

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE RULES

DATE: 6-21-12 Room: 1228

*Name: ALEXANDRA WARREN
County: ROWAN
Sponsor: FOLWELL

*Name: ODOM WILLIFORD
County: ORANGE
Sponsor: HACKNEY

*Name: JESSICA COTTEN
County: HARNETT
Sponsor: LEWIS

*Name:
County:
Sponsor:

*Name:
County:
Sponsor:

House Sgt-At Arms:

1. Name: LARRY ELLIOTT
2. Name: CARL MORELLO
3. Name:
4. Name:
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

RULES — 6-21-12

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dean	NCRMA
Mylanie Lee	DCR
Cody Thomas	NCAR
Danielle Musselwhite	Jason Deans & Assoc.
Ellen Lafferty	Rep. Crawford Intern
Clare FitzGerald	DENR
K. Bestman	TSS
Stan Williams	NCS
Heather Barrett	WM

VISITOR REGISTRATION SHEET

RULES

(Committee Name)

6-21-12

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penn Broyhill	WCSR
Jimmy Broughton	Womble, Carlyle
Estherine Davis	Estherine Davis Assoc.
David McGowan	NCAR
Cady Thomas	"
Matt Hoagland	- Visitor -

09-21-201

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 25, 2012

The Committee on Rules, Calendar and Operations of the House met on June 25, 2012 at 5:30 p.m. in room 643 of the Legislative Office Building. The following members were present: Representative Moore Chairman, and Representative LaRoque, Chairman; Representative Owens, Vice-Chairman: Representatives Blust, Daughtry, Farmer-Butterfield, Folwell, Gillespie, Hackney, Hill, Jeffus, Johnson, Luebke, McComas, Moffitt, Parmon, Saine, Samuelson, Stam, and Stone.

Chairman Moore presided.

The following bills were considered:

HR 1019, Honor Alan Dickson. (Representative Current, Sr., Primary Sponsor) Chairman Moore recognized Rep. Daughtry who motioned for a favorable report. Vote was called and the motion passed.

SB 426, Public Finance Laws/Municipal Service Dists. (Senator Clodfelter, Primary Sponsor). Rep. Moore recognized Rep. Hackney who motioned to withdraw the PCS that was left before the committee and the original bill be reconsidered. Vote was called and the motion for reconsideration passed. Discussion and debate on the bill. Rep. Moore recognized Rep. Johnson who motioned for a favorable report. Vote was called and the motion passed.

SB 900, Surf City Deannexation. (Senator Rabon, Primary Sponsor). Rep. Moore recognized Sen. Rabon who explained the bill. No discussion or debate on the bill. Rep. Daughtry motioned for a favorable report. Vote was called and the motion passed.

SB 901, Ocean Isle Beach Satellite Annexations. (Senator Rabon, Primary Sponsor). Rep. Moore recognized Sen. Rabon who explained the bill. No discussion or debate on the bill. Rep. Gillespie motioned for a favorable report. Vote was called and the motion passed.

SB 951, Cleveland County Corr. Facil. Prop Transfer. (Senator Westmoreland, Primary Sponsor). Rep. Moore recognized Sen. Westmoreland who explained the bill. Rep. Moore recognized Rep. Johnson who motioned that the PCS be before the committee. Vote was called and the motion passed. No discussion or debate on the bill. Rep. Moore recognized Rep. Johnson who motioned for a favorable report to the PCS and unfavorable to the original bill. Vote was called and the motion passed.

Rep. Daughtry presided as chair.

SB 382, Required Withholding For Nonresidents. (Senator Apodaca, Primary Sponsor). Rep. Daughtry recognized Rep. Stone who motioned for the PCS to be before the committee. Rep. Daughtry recognized Rep. Moore and Rep. Blust, and they explained the bill. Discussion

and debate on the bill. Several members from the public were allowed to speak on the bill. Rep. Stam motioned for an amendment to the bill. Vote was called and the motion passed. Discussion continued on the bill as amended. Rep. Stone motioned for a favorable report as to the PCS as amended. Aye's and No's called for by Rep. Hackney. Vote was called and the motion passed 15 to 4.

Rep. Moore presided as chair.

SB 821, Study and Amend Fisheries Laws. (Senator Brown, Goolsby, and Rabon, Primary Sponsors). Rep. Moore recognized Rep. LaRoque who motioned for the PCS to be before the committee. Rep. Moore recognized Rep. Iler to explain the bill. Discussion and debate on the bill. Members of the public were allowed to speak on the bill. Rep. LaRoque motioned for a favorable report as to the PCS, unfavorable to the original. Vote called and motion passed.

SB 949, Town of Boone/ETJ. (Senator Soucek, Primary Sponsor). Rep. Moore recognized Sen. Soucek to explain the bill. Discussion and debate on the bill. Rep. Moore recognized Rep. Owens motioned that the bill be tabled and asked for division. Division was called and the motion failed. Rep. Moore recognized Rep. Hackney who motioned for an unfavorable report. Vote was called and the motion failed. Rep. Stone motioned for a favorable report. Vote was called, and Rep. Hackney for division. Division was called and motion passed 10 to 9. The bill was given a favorable report.

Rep. Moore adjourned at 6:45 p.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

n:	Nancy Garriss (Rep. Tim Moore)
...t:	Friday, June 22, 2012 10:28 AM
To:	Sen. Daniel Clodfelter; Sen. Harry Brown; Sen. Thom Goolsby; Sen. Bill Rabon; Sen. Dan Soucek; Sen. Wes Westmoreland
Cc:	Ted Harrison (Sen. Daniel Clodfelter); Darryl Black (Sen. Harry Brown); DeAnne Mangum (Senate); Susanne Gunter (Sen. Brown); Joseph Kyzer (Sen. Goolsby); Melissa Dombalis (Sen. Rabon); Lynn Tennant (Sen. Wes Westmoreland); John Clark (Sen. Soucek)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Mon, 06-25-2012 at 5:30 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, June 25, 2012
TIME: 5:30 pm
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 426	Public Finance Laws/Municipal Service Dists.	Senator Clodfelter
SB 821	Study and Amend Fisheries Laws.	Senator Brown Senator Goolsby Senator Rabon
SB 900	Surf City Deannexation.	Senator Rabon
SB 901	Ocean Isle Beach Satellite Annexations.	Senator Rabon
SB 949	Town of Boone/ETJ.	Senator Soucek
SB 951	Cleveland County Corr. Facil. Prop Transfer.	Senator Westmoreland

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **June 22, 2011.**

...ncipal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

n:	Nancy Garriss (Rep. Tim Moore)
---.::	Friday, June 22, 2012 2:33 PM
To:	Rep. Bill Current; Sen. Daniel Clodfelter; Sen. Harry Brown; Sen. Thom Goolsby; Sen. Bill Rabon; Sen. Dan Soucek; Sen. Wes Westmoreland
Cc:	Wendy Graf Ray (Research); Ted Harrison (Sen. Daniel Clodfelter); Darryl Black (Sen. Harry Brown); DeAnne Mangum (Senate); Susanne Gunter (Sen. Brown); Melissa Dombalis (Sen. Rabon); John Clark (Sen. Soucek); Lynn Tennant (Sen. Wes Westmoreland)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Mon, 06-25-2012 at 5:30 pm - CORRECTED

Corrected Notice HR 1019 added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

ı are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as ɔws:

DAY & DATE: Monday, June 25, 2012
TIME: 5:30 pm
LOCATION: 643 LOB
COMMENTS: HR 1019, Honor Alan Dickson, added

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 1019	Honor Alan Dickson.	Representative Current, Sr.
SB 426	Public Finance Laws/Municipal Service Dists.	Senator Clodfelter
SB 821	Study and Amend Fisheries Laws.	Senator Brown Senator Goolsby Senator Rabon
SB 900	Surf City Deannexation.	Senator Rabon
SB 901	Ocean Isle Beach Satellite Annexations.	Senator Rabon
SB 949	Town of Boone/ETJ.	Senator Soucek
SB 951	Cleveland County Corr. Facil. Prop Transfer.	Senator Westmoreland

Respectfully,
Representative T. Moore, Chair

Representative LaRoque, Chair

reby certify this notice was filed by the committee assistant at the following offices at
_ _'M o'clock on **June 22, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

n:	Nancy Garriss (Rep. Tim Moore)
...t:	Monday, June 25, 2012 3:20 PM
To:	Rep. Bill Current; Sen. Tom Apodaca; Sen. Daniel Clodfelter; Sen. Harry Brown; Sen. Thom Goolsby; Sen. Bill Rabon; Sen. Dan Soucek; Sen. Wes Westmoreland
Cc:	Wendy Miller (Rep. Current); Carolyn Gooden (Sen. Apodaca); Ted Harrison (Sen. Daniel Clodfelter); Darryl Black (Sen. Harry Brown); DeAnne Mangum (Senate); Susanne Gunter (Sen. Brown); Joseph Kyzer (Sen. Goolsby); Melissa Dombalis (Sen. Rabon); John Clark (Sen. Soucek); Lynn Tennant (Sen. Wes Westmoreland)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Mon, 06-25-2012 at 5:30 pm - CORRECTED

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

ı are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as ɔws:

DAY & DATE: Monday, June 25, 2012
TIME: 5:30 pm
LOCATION: 643 LOB
COMMENTS: **SB 382, Required Withholding for Nonresidents, added.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HR 1019	Honor Alan Dickson.	Representative Current, Sr.
SB 382	Required Withholding For Nonresidents.	Senator Apodaca
SB 426	Public Finance Laws/Municipal Service Dists.	Senator Clodfelter
SB 821	Study and Amend Fisheries Laws.	Senator Brown Senator Goolsby Senator Rabon
SB 900	Surf City Deannexation.	Senator Rabon
SB 901	Ocean Isle Beach Satellite Annexations.	Senator Rabon
SB 949	Town of Boone/ETJ.	Senator Soucek
SB 951	Cleveland County Corr. Facil. Prop Transfer.	Senator Westmoreland

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3 PM** o'clock on **June 25, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Rules, Calendar, and Operations of the House

Agenda

June 25, 2012 5:30p.m.

Room 635 LOB

Representative Tim Moore Presiding

Remarks:

HR 1019	Honor Alan Dickson.	Representative Current, Sr.
SB 382	Required Withholding For Nonresidents.	Senator Apodaca
SB 426	Public Finance Laws/Municipal Service Dists.	Senator Clodfelter
SB 821	Study and Amend Fisheries Laws.	Senator Brown
		Senator Goolsby
		Senator Rabon
SB 900	Surf City Deannexation.	Senator Rabon
SB 901	Ocean Isle Beach Satellite Annexations.	Senator Rabon
SB 949	Town of Boone/ETJ.	Senator Soucek
SB 951	Cleveland County Corr. Facil. Prop Transfer.	Senator Westmoreland

Adjourn

HOUSE RESOLUTION 1019

Sponsors:	Representative Current (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to:	Rules, Calendar, and Operations of the House.

May 22, 2012

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF ALAN THOMAS DICKSON, BUSINESS LEADER.

Whereas, Alan Thomas Dickson was born April 3, 1931, in Charlotte, to Rush S. Dickson and Lake Simpson Dickson; and

Whereas, Alan Thomas Dickson graduated from the McCallie School in Chattanooga, Tennessee, and earned a BS degree in Textiles from North Carolina State University in 1953 and an MBA degree from Harvard University in 1955; and

Whereas, Alan Thomas Dickson spent two years in the United States Army before returning to Charlotte and working for American & Efird Mills; and

Whereas, Alan Thomas Dickson held a number of positions at American & Efird Mills and became the company's president in 1967; and

Whereas, in 1968, Alan Thomas Dickson and his brother, Stuart, founded Ruddick Corporation; and

Whereas, the Ruddick Corporation purchased the Harris Teeter grocery chain in 1969, and, as the company's holdings grew, the corporation become a Fortune 500 company; and

Whereas, Alan Thomas Dickson served as president of Ruddick Corporation and later as the board's chair until his retirement in 2010; and

Whereas, Alan Thomas Dickson served as President of the North Carolina Textile Foundation, the first President of American Yarn Spinners Association, and as a director of Combed Yarn Spinners Association and the North Carolina Textile Manufacturers Association; and

Whereas, Alan Thomas Dickson was a member of the board of directors of the Bank of America, Lance, Bassett Furniture Industries, Sonoco Products, and Royal & Sun Alliance Insurance; and

Whereas, Alan Thomas Dickson distinguished himself in his community as a founding trustee of the Charlotte Latin School and a trustee of the Central Piedmont Community College; as a member of the Foundation for the Carolinas, the Arts & Science Council, the Mint Museum, and the Presbyterian Hospital Foundation; and

Whereas, Alan Thomas Dickson served as a trustee of the Morehead-Cain Scholarship Program at the University of North Carolina at Chapel Hill from 1964 to 2006, and during that time served as Chair for 21 years; and

Whereas, Alan Thomas Dickson also helped to establish the U.S. National Whitewater Center on the Catawba River and contributed to the development of the UNC Nutrition Research Institute in Kannapolis; and

Whereas, among his many honors and recognitions, Alan Thomas Dickson received the William Richardson Davie Award from the Board of Trustees of the University of North Carolina at Chapel Hill in 2006, the Distinguished Alumnus Award from the McCallie School in 1997, the Watauga Medal in 1996, and the College of Textiles Distinguished Alumnus Award in 1993 from North Carolina State University, and was granted an honorary degree from North Carolina State University in 2001; and

Whereas, Alan Thomas Dickson was elected to the North Carolina Business Hall of Fame in 2002; and

Whereas, Alan Thomas Dickson was a faithful member of the Christ Episcopal Church in Charlotte; and

Whereas, Alan Thomas Dickson died on May 3, 2012, at the age of 81; and

Whereas, Alan Thomas Dickson was preceded in death by his first wife, Lindsay Morehead Dickson; and

Whereas, Alan Thomas Dickson is survived by his wife of 20 years, Mary Anne Dickson; his stepdaughter, Chase Avery Wood, her husband, Hubie, and their children, Catie and Hubert; his stepson, Chris Avery, his wife, Beth, and their children Meg and O'Neal; and his siblings Stuart Dickson, Barbara Scott, and Jane Williamson; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Alan Thomas Dickson, a successful businessman, entrepreneur, and citizen who made great contributions to his industry, community, State, and nation.

SECTION 2. The House of Representatives extends its sympathy to the family of Alan Thomas Dickson for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Alan Thomas Dickson.

SECTION 4. This resolution is effective upon adoption.

SENATE BILL 382
Finance Committee Substitute Adopted 5/19/11

Short Title: Required Withholding for Nonresidents. (Public)

Sponsors:

Referred to:

March 22, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE WITHHOLDING OF INCOME TAXES FROM SALES OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY BY NONRESIDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-163.1 reads as rewritten:

"**§ 105-163.1. Definitions.**

The following definitions apply in this Article:

(1) Buyer. – A person who pays compensation to a nonresident individual or nonresident entity for the purchase of real property and associated personal property in this State.

(1a) Compensation. – Consideration a payer or buyer pays to any of the following:

a. A nonresident individual or nonresident entity for personal services performed in this State.

b. An ITIN holder who is a contractor and not an employee for services performed in this State.

c. A nonresident individual or nonresident entity for the purchase of real property and associated tangible personal property located in this State.

...

(14) Withholding agent. – An employer, a pension payer, a buyer, or a payer."

SECTION 2. Article 4A of Chapter 105 of the General Statutes is amended by adding a new section to read:

"**§ 105-163.3A. Buyers must withhold taxes from certain nonresident sellers of real property.**

(a) Requirement. – Every buyer who purchases real estate and associated tangible personal property from either a nonresident individual or nonresident entity must deduct and withhold from compensation paid to the nonresident seller the State income taxes payable by the nonresident seller due to the sale as provided in this section. The taxes a buyer withholds are held in trust for the Secretary. The amount of taxes to be withheld is the least of the following:

(1) Four percent (4%) of the amount realized on the sale as determined under section 1001 of the Code.

(2) The applicable percentage of the gain required to be recognized on the sale under the Code, if the nonresident seller provides the buyer with an affidavit signed under penalty of perjury swearing or affirming to the amount of gain

required to be recognized under the Code from the sale. The applicable percentage is the highest marginal tax rate that could be applied to the nonresident seller based on whether the nonresident seller is taxed as a corporation or an individual.

(3) The entire net proceeds payable to the nonresident seller.

(b) Installment Sales. – In the case of any sale otherwise subject to this section that qualifies as an installment sale within the meaning of section 453(b) of the Code, the provisions of subsection (a) of this section shall be separately applied to each principal payment to be made under the terms of the installment sale agreement between the parties. In determining the amounts to be withheld under this subsection, the amount realized on the sale shall be considered to be the principal payment, and the gain required to be recognized under the Code shall be considered to be the same proportion of each principal payment as the gain required to be recognized under the Code bears to the amount realized on the sale overall.

(c) Exemptions. – The withholding requirement does not apply to the purchase of the following:

(1) Real property and any associated tangible personal property sold by one of the following types of entities that is not subject to tax under Article 4 of this Chapter:

a. A unit of federal, State, or local government.

b. A nonprofit.

c. An insurance company.

(2) Real property that is a principal residence of the nonresident seller within the meaning of section 121 of the Code and any associated tangible personal property.

(3) Real property transferred pursuant to a foreclosure of a mortgage deed of trust or other lien instrument or pursuant to a deed in lieu of foreclosure.

(d) Return and Statement. – A buyer must file a return with the Secretary on a form prescribed by the Secretary and in the manner prescribed by the Secretary. The buyer must pay the withheld taxes to the Secretary on or before the 15th day of the month following the month in which the sale takes place. A buyer required to deduct and withhold from a nonresident seller's compensation under this section must provide the seller a written statement of the information contained in the return by the due date of the return. The following information is required on the return:

(1) The buyer's name and address.

(2) The seller's name, address, and taxpayer identification number.

(3) The total amount realized on the sale.

(4) The total amount of gain recognized if the seller provides an affidavit under subdivision (a)(2) of this section.

(5) The entire net proceeds paid to the nonresident seller.

(6) The total amount deducted and withheld under this section.

(e) Buyer May Repay Amounts Withheld Improperly. – A buyer may refund to a person any amount the buyer withheld improperly from the person under this section if the refund is made before the end of the calendar year, before the buyer furnishes the person the statement required by subsection (d) of this section, and before the buyer submits the payment and return to the Secretary. An amount is withheld improperly if it is withheld from a payment to a person who is not a nonresident individual or nonresident entity, if it is withheld from a payment that is not compensation, or if it is in excess of the amount required to be withheld under this section.

(f) Records. – A buyer may rely on an affidavit provided by the seller that states that withholding is not required under this section because the seller is not a nonresident individual or nonresident entity. The affidavit must be made under penalty of perjury."

SECTION 3. This act becomes effective January 1, 2012, and applies to sales made on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 4

SENATE BILL 426

Finance Committee Substitute Adopted 5/10/11
Finance Committee Substitute No. 2 Adopted 5/18/11
House Committee Substitute Favorable 6/19/12

Short Title: Public Finance Laws/Municipal Service Dists. (Public)

Sponsors:

Referred to:

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES AND TO AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159-28(a) reads as rewritten:

"(a) Incurring Obligations. – No obligation may be incurred in a program, function, or activity accounted for in a fund included in the budget ordinance unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. No obligation may be incurred for a capital project or a grant project authorized by a project ordinance unless that project ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay the sums obligated by the transaction. If an obligation is evidenced by a contract or agreement requiring the payment of money or by a purchase order for supplies and materials, the contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with this ~~subsection.~~ subsection unless the obligation or a document related to the obligation has been approved by the Local Government Commission, in which case no certificate shall be required. The certificate, which shall be signed by the finance officer or any deputy finance officer approved for this purpose by the governing board, shall take substantially the following form:

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____

(Signature of finance officer)."

Certificates in the form prescribed by G.S. 153-130 or 160-411 as those sections read on June 30, 1973, or by G.S. 159-28(b) as that section read on June 30, 1975, are sufficient until supplies of forms in existence on June 30, 1975, are exhausted.

An obligation incurred in violation of this subsection is invalid and may not be enforced. The finance officer shall establish procedures to assure compliance with this subsection."

SECTION 2. G.S. 159-54 reads as rewritten:

"**§ 159-54. The bond order.**

After or at the same time the application is filed ~~and accepted for submission to~~ with the Commission, a bond order shall be introduced before the governing board of the issuing unit. The bond order shall state:

(1) Briefly and generally and without specification of location or material of construction, the purpose for which the bonds are to be issued, but not more than one purpose may be stated. For funding or refunding bonds a brief description of the debt, judgment, or obligation to be funded or refunded shall be sufficient.

(2) The maximum aggregate principal amount of the bonds.

(3) That taxes will be levied in an amount sufficient to pay the principal and interest of the bonds.

(4) The extent, if any, to which utility or enterprise revenues are, or may be, pledged to payment of interest on and principal of the bonds pursuant to G.S. 159-47.

(5) That a sworn statement of debt has been filed with the clerk and is open to public inspection.

(6) If the bonds are to be approved by the voters, that the bond order will take effect when approved by the voters.

(7) If the bonds are issued pursuant to G.S. 159-48(a)(1), (2), (3), or (5), that the bond order will take effect upon its adoption. If the bonds are to be issued pursuant to G.S. 159-48(a)(4), (6), or (7) or G.S. 159-48(b), (c), or (d) and are not to be submitted to the voters, that the bond order will take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in G.S. 159-60, and that in that event the order will take effect when approved by the voters.

When the bond order is introduced, the board shall fix the time and place for a public hearing thereon."

SECTION 3. G.S. 159-88(a) reads as rewritten:

"(a) At any time after an application is filed with the Commission ~~approves an application~~ for the issuance of revenue bonds, (i) in the case of the State, the Council of State and (ii) in the case of a municipality, the governing board of the municipality may adopt a revenue bond order pursuant to this Article."

SECTION 4. G.S. 160A-537(d) reads as rewritten:

"(d) Effective Date. – Except as otherwise provided in this subsection, the~~The~~ resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city ~~council, except that if~~ council. If the governing body in the resolution states that general obligation bonds or special obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its ~~adoption, but~~adoption or as otherwise provided in the resolution. However, no ad valorem tax may be levied for a partial fiscal year."

SECTION 5. If any provision of this act or its application is held invalid, the invalidity does not affect the other provisions or applications of this act that can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 951
Second Edition Engrossed 6/20/12

Short Title:	Cleveland County Corr. Facil. Prop Transfer.	(Public)
Sponsors:	Senator Westmoreland (Primary Sponsor).	
Referred to:	State and Local Government.	

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

SECTION 1. The State of North Carolina shall convey to the Board of Trustees of Cleveland Community College, for consideration of one dollar ($1.00), all its right, title, and interest in the property used for the former Cleveland County Correctional Facility, more particularly described as Parcel 22254 Cleveland County, consisting of approximately 16.98 acres, deed reference Book 6U, Page 775. The conveyance is subject to a reversionary interest reserved by the State. The property shall be conveyed to the Board of Trustees of Cleveland Community College for so long as it is utilized for educational purposes consistent with the mission of the North Carolina Community College System.

SECTION 2. The State of North Carolina shall convey the real property described in Section 1 "as is" "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property shall be borne by Cleveland Community College.

SECTION 3. The conveyance of the State's right, title, and interest in the Cleveland County Correctional Facility shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes; provided that the provisions of G.S. 146-74 shall not apply.

SECTION 4. This act becomes effective July 1, 2014.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 949
State and Local Government Committee Substitute Adopted 6/7/12

Short Title: Town of Boone/ETJ. (Local)

Sponsors:

Referred to:

May 31, 2012

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, the Town of Boone shall not exercise any powers of extraterritorial jurisdiction as provided in Article 19 of Chapter 160A of the General Statutes.

SECTION 2. This act becomes effective June 30, 2013.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 900

Short Title:	Surf City Deannexation.	(Local)
Sponsors:	Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Harrington, and Rouzer.	
Referred to:	State and Local Government.	

May 29, 2012

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Surf City are reduced by removing three tracts totaling approximately 49.02 acres annexed by the Town Council of the Town of Surf City on May 2, 2006, as recorded with the Secretary of State as Ordinance 2006-05-02-2.

SECTION 2. This act becomes effective June 30, 2012.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 901

Short Title:	Ocean Isle Beach Satellite Annexations.	(Local)
Sponsors:	Senators Rabon (Primary Sponsor); and Davis.	
Referred to:	State and Local Government.	

May 29, 2012

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b)(5) reads as rewritten:

"(b) A noncontiguous area proposed for annexation must meet all of the following standards:

...

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Holly Ridge, Holly Springs, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Windsor, Yadkinville, and Zebulon."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 821

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/11/12
Third Edition Engrossed 6/20/12

Short Title: Study and Amend Fisheries Laws. (Public)

Sponsors:

Referred to:

May 21, 2012

A BILL TO BE ENTITLED

AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISH AND WILDLIFE MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) It is the intent of the General Assembly to provide funding for the dredging and maintenance of the State's coastal inlets from fees charged to those who make use of the inlets.

SECTION 1.(b) In order to identify possible sources of funds for the purposes set out in subsection (a) of this section, the Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources, the Executive Director of the Wildlife Resources Commission, and the Deputy Secretary for Transit of the Department of Transportation shall jointly study the fees associated with the issuance of coastal fishing licenses pursuant to Chapter 113 of the General Statutes and the numbering and titling of vessels pursuant to Chapter 75A of the General Statutes.

(1) For coastal fishing licenses, the Director and Executive Director shall specifically:

a. Identify all types of fishing licenses issued for the purpose of taking fish in coastal fishing waters, both recreational and commercial.

b. Identify the fees associated with these licenses.
c. Identify the analogous licenses issued and fees charged by states with fisheries profiles similar to those of North Carolina, including at least South Carolina and Virginia.
d. Recommend several levels of increases in the license fees and calculate the amount of revenue that would be generated by the different levels of increase.
e. Identify any limitations under State or federal law on the use of license fees for purposes not related to the management of marine fisheries.

(2) For the numbering and titling of vessels, the Executive Director shall specifically:
a. Identify all requirements for the numbering and titling of vessels.
b. Determine whether there is a method for differentiating between vessels that are used predominantly in coastal fishing waters versus those that are used predominantly in inland fishing waters.
c. Identify the fees associated with the numbering and titling of vessels.
d. Identify the analogous vessel numbering and titling requirements and fees charged by states with coastal boating profiles similar to those of North Carolina, including at least South Carolina and Virginia.
e. Recommend several levels of increases in the fees associated with the numbering and titling of vessels and calculate the amount of revenue that would be generated by the different levels of increase.
f. Identify any limitations under State or federal law on the use of fees associated with the numbering and titling of vessels.

(3) The Director and the Executive Director shall examine all other sources of funding, including the gas tax.

SECTION 1.(c) The Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources, the Executive Director of the Wildlife Resources Commission, and the Deputy Secretary for Transit of the Department of Transportation shall jointly submit a report on the study required by subsection (b) of this section to the Legislative Research Commission's Committee on Marine Fisheries no later than September 1, 2012.

SECTION 2.(a) The Executive Director of the Wildlife Resources Commission, the Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources, and the Commissioner of Agriculture shall, in consultation with various user groups, study the current organization of the State's fish and wildlife management agencies and consider whether these agencies might be reorganized to provide for more efficient, productive, and enjoyable uses of the State's fish and wildlife resources.

SECTION 2.(b) In conducting this study, the Executive Director, the Director, and the Commissioner shall specifically consider all of the following:

(1) The efficient and effective transfer of statutory authority, powers, duties, and functions, including, but not limited to, rule making, licensing, and the rendering of findings, orders, and adjudications.

(2) The efficient and effective transfer and consolidation of records, personnel, property, and unexpended balances of appropriations, allocations, or other funds. This component of the study shall specifically identify any areas of overlap between agency programs or personnel.

(3) The uninterrupted and unimpaired continuation of all services provided by the agencies, rules adopted or implemented by the agencies, contracts or

other obligations entered into by the agencies, and proceedings to which any agency is a party.

(4) All statutory, rule, and policy changes that would be necessary to reorganize fish and wildlife management in the State.

(5) Positions or duties regarding fisheries resource management currently carried out by the Marine Fisheries Commission or the Division of Marine Fisheries of the Department of Environment and Natural Resources that are within the scope of the overall mission of the Department of Agriculture and Consumer Services.

(6) Any other issues necessary for the potential reorganization of fish and wildlife management in the State.

SECTION 2.(c) The Executive Director, the Director, and the Commissioner shall jointly report on the study conducted pursuant to Sections 2(a) and 2(b) of this act to the Legislative Research Commission's Committee on Marine Fisheries no later than October 1, 2012.

SECTION 3.(a) G.S. 113-187 reads as rewritten:

"**§ 113-187. Penalties for violations of Subchapter and rules.**

(a) Any person who participates in a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in an operation in connection with which any vessel is used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(b) Any owner of a vessel who knowingly permits it to be used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(c) Any person in charge of a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in charge of any vessel used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(d) Any person in charge of a commercial fishing operation conducted in violation of the following provisions of this Subchapter or the following rules of the Marine Fisheries Commission; and any person in charge of any vessel used in violation of the following provisions of the Subchapter or the following rules, shall be guilty of a Class A1 misdemeanor. The violations of the statute or the rules for which the penalty is mandatory are:

(1) Taking or attempting to take, possess, sell, or offer for sale any oysters, mussels, or clams taken from areas closed by statute, rule, or proclamation because of suspected pollution.

(2) Taking or attempting to take or have in possession aboard a vessel, shrimp taken by the use of a trawl net, in areas not opened to shrimping, pulled by a vessel not showing lights required by G.S. 75A-6 after sunset and before sunrise.

(3) Using a trawl net in any coastal fishing waters closed by proclamation or rule to trawl nets.

(4) Violating the provisions of a special permit or gear license issued by the Department.

(5) Using or attempting to use any trawl net, long haul seine, swipe net, mechanical methods for oyster or clam harvest or dredge in designated primary nursery areas.

(e) Any person who takes menhaden or Atlantic thread herring by the use of a purse seine net deployed by a mother ship and one or more runner boats in coastal fishing waters is guilty of a Class A1 misdemeanor."

SECTION 3.(b) S.L. 2007-320 is repealed.

SECTION 4.(a) G.S. 143B-289.57 reads as rewritten:

"**§ 143B-289.57. Marine Fisheries Commission Advisory Committees established; members; selection; duties.**

...

(b) The Chair of the Commission shall appoint the following standing advisory committees:

(1) The Finfish Committee, which shall consider matters concerning finfish.

~~(2) The Crustacean Committee, which shall consider matters concerning shrimp and crabs.~~

~~(3) The Shellfish Committee, which shall consider matters concerning oysters, clams, scallops, and other molluscan shellfish.~~

(3a) The Shellfish/Crustacean Advisory Committee, which shall consider matters concerning oysters, clams, scallops, other molluscan shellfish, shrimp, and crabs.

(4) The Habitat and Water Quality Committee, which shall consider matters concerning habitat and water quality that may affect coastal fisheries resources.

...

(e) The Chair of the Commission shall appoint a ~~regional advisory committee for each of the three coastal regions designated in G.S. 143B-289.54(b) and shall appoint a regional advisory committee for that part of the State that is not included in the three coastal regions.~~ Northern Regional Advisory Committee, encompassing areas from the Virginia line south through Hyde and Pamlico Counties and any counties to the west, and a Southern Regional Advisory Committee, encompassing areas from Carteret County south to the South Carolina line and any counties to the west. In making appointments to regional advisory committees, the Chair of the Commission shall ensure that both commercial and recreational fishing interests are fairly represented."

SECTION 4.(b) G.S. 113-200 reads as rewritten:

"**§ 113-200. Fishery Resource Grant Program.**

...

(e1) Grants Committee. – The Grants Committee shall consist of eleven members as follows:

(1) Three employees of the Sea Grant College Program, appointed by the Director of the Sea Grant College Program.

(2) Two employees of the Division of Marine Fisheries, appointed by the Fisheries Director.

(3) Two members of the Marine Fisheries Commission, appointed by the Chair of the Marine Fisheries Commission.

(4) ~~One member~~Two members of the ~~Northeast~~ Northern Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Northeast~~ Northern Regional Advisory Committee.

~~(5) One member of the Central Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Central Regional Advisory Committee.~~

(6) ~~One member~~Two members of the ~~Southeast~~ Southern Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Southeast~~ Southern Regional Advisory Committee.

~~(7) One member of the Inland Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Inland Regional Advisory Committee.~~

...."

SECTION 4.(c) The terms of the members currently serving on the Crustacean, Shellfish, and the four regional advisory committees (Northeast, Southeast, Central, and Inland) shall expire on June 30, 2012. Effective July 1, 2012, the Chair of the Marine Fisheries Advisory Commission shall appoint no more than 11 members to the Northern Regional Advisory Committee and the Southern Regional Advisory Committee, established pursuant to subsection (e) of G.S. 143B-289.57, as amended by this section.

SECTION 5. G.S. 143B-289.52 reads as rewritten:

"**§ 143B-289.52. Marine Fisheries Commission – powers and duties.**

...

(e1) A supermajority of the Commission shall be six members. A supermajority shall be necessary to override recommendations from the Division of Marine Fisheries regarding measures needed to end overfishing or to rebuild overfished stocks."

SECTION 6. Sections 4(a) and 4(b) of this act become effective July 1, 2012. Sections 3(a) and 3(b) of this act become effective January 1, 2013, and Section 3(a) applies to offenses committed on or after that date. The remaining sections of this act are effective when this act becomes law.

6-25-12
SB 382

ROLL CALL VOTE

____ YES ____ NO = _____(TOTAL) HB# _____ SB# _____

HOUSE STANDING COMMITTEE ON Rules

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
X		LaRoque			
X		T. Moore			
	X	Owens			
		M. Alexander			
X		Blust			
		Crawford			
X		Daughtry			
		Faison			
	X	Farmer-Butterfield			
X		Folwell			
X		Gillespie			
	X	Hackney			
X		Hill			
		Hilton			
X		Jeffus			
X		Johnson			
	X	Luebke			
X		McComas			
X		Moffitt			
X		Parmon			
X		Saine			
		Samuelson			
X		Stam			
X		Stone			
15	4				

ROLL CALL VOTE

6-25-12

____ YES ____ NO = _____(TOTAL)

HB# ____
SB# 949

HOUSE STANDING COMMITTEE ON Rules

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
X		LaRoque			
X		T. Moore			
	X	Owens			
		M. Alexander			
X		Blust			
		Crawford			
	X	Daughtry			
		Faison			
	X	Farmer-Butterfield			
X		Folwell			
X		Gillespie			
	X	Hackney			
	X	Hill			
		Hilton			
	X	Jeffus			
X		Johnson			
	X	Luebke			
		McComas			
X		Moffitt			
	X	Parmon			
X		Saine			
	X	Samuelson			
X		Stam			
X		Stone			
10	9				
yes	no				

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 6-25-12

S. B. No. 382 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE X

Rep.)
( ) Stam
Sen.)

moves to amend the bill on page 1, line 29

( ) WHICH CHANGES THE TITLE

by changing "2014" to "2013"

SIGNED Stam

ADOPTED X FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 426
Finance Committee Substitute Adopted 5/10/11
Finance Committee Substitute No. 2 Adopted 5/18/11
House Committee Substitute Favorable 6/19/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S426-CSRC-69 [v.1]

6/21/2012 10:13:20 AM

Short Title: Public Finance Laws/Municipal Service Dists. (Public)

Sponsors:

Referred to:

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES, TO AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT AND TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159-28(a) reads as rewritten:

"(a) Incurring Obligations. – No obligation may be incurred in a program, function, or activity accounted for in a fund included in the budget ordinance unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. No obligation may be incurred for a capital project or a grant project authorized by a project ordinance unless that project ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay the sums obligated by the transaction. If an obligation is evidenced by a contract or agreement requiring the payment of money or by a purchase order for supplies and materials, the contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with this ~~subsection.~~ subsection unless the obligation or a document related to the obligation has been approved by the Local Government Commission, in which case no certificate shall be required. The certificate, which shall be signed by the finance officer or any deputy finance officer approved for this purpose by the governing board, shall take substantially the following form:

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____

(Signature of finance officer)."

Certificates in the form prescribed by G.S. 153-130 or 160-411 as those sections read on June 30, 1973, or by G.S. 159-28(b) as that section read on June 30, 1975, are sufficient until supplies of forms in existence on June 30, 1975, are exhausted.

An obligation incurred in violation of this subsection is invalid and may not be enforced. The finance officer shall establish procedures to assure compliance with this subsection."

SECTION 2. G.S. 159-54 reads as rewritten:

"**§ 159-54. The bond order.**

After or at the same time the application is filed ~~and accepted for submission to~~ with the Commission, a bond order shall be introduced before the governing board of the issuing unit. The bond order shall state:

(1) Briefly and generally and without specification of location or material of construction, the purpose for which the bonds are to be issued, but not more than one purpose may be stated. For funding or refunding bonds a brief description of the debt, judgment, or obligation to be funded or refunded shall be sufficient.

(2) The maximum aggregate principal amount of the bonds.

(3) That taxes will be levied in an amount sufficient to pay the principal and interest of the bonds.

(4) The extent, if any, to which utility or enterprise revenues are, or may be, pledged to payment of interest on and principal of the bonds pursuant to G.S. 159-47.

(5) That a sworn statement of debt has been filed with the clerk and is open to public inspection.

(6) If the bonds are to be approved by the voters, that the bond order will take effect when approved by the voters.

(7) If the bonds are issued pursuant to G.S. 159-48(a)(1), (2), (3), or (5), that the bond order will take effect upon its adoption. If the bonds are to be issued pursuant to G.S. 159-48(a)(4), (6), or (7) or G.S. 159-48(b), (c), or (d) and are not to be submitted to the voters, that the bond order will take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in G.S. 159-60, and that in that event the order will take effect when approved by the voters.

When the bond order is introduced, the board shall fix the time and place for a public hearing thereon."

SECTION 3. G.S. 159-88(a) reads as rewritten:

"(a) At any time after an application is filed with the Commission ~~approves an application~~ for the issuance of revenue bonds, (i) in the case of the State, the Council of State and (ii) in the case of a municipality, the governing board of the municipality may adopt a revenue bond order pursuant to this Article."

SECTION 4. G.S. 160A-537(d) reads as rewritten:

"(d) Effective Date. – Except as otherwise provided in this subsection, the~~The~~ resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city ~~council, except that if~~ council. If the governing body in the resolution states that general obligation bonds or special obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its ~~adoption, but~~adoption or as otherwise provided in the resolution. However, no ad valorem tax may be levied for a partial fiscal year."

SECTION 4.1. Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-329. Provision of water and sewer service in a designated urban growth area.**

A city that extends water and sewer service to a designated urban growth area outside its corporate limits may not deny water and sewer service to a property owner that the city includes in that urban growth area for reasons not applied equally to property owners within the corporate limits."

SECTION 5. If any provision of this act or its application is held invalid, the invalidity does not affect the other provisions or applications of this act that can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 382
Finance Committee Substitute Adopted 5/19/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S382-CSSB-63 [v.2]

6/25/2012 5:13:22 PM

Short Title: Amend Water Supply/Water Quality Laws. (Public)

Sponsors:

Referred to:

March 22, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-329. Provision of water and sewer service in a designated urban growth area.**

A city that extends water and sewer service to a designated urban growth area outside its corporate limits may not deny water and sewer service to a property owner that the city includes in that urban growth area for reasons not applied equally to property owners within the corporate limits. The city may charge the property owner in the urban growth area up to twice the rate for water and sewer services that the city charges property owners within the corporate limits and may charge the property owner in the urban growth area for the cost of infrastructure improvements necessary to provide the water and sewer services outside the corporate limits. If the city subsequently annexes some or all of the urban growth area to which the city has provided water and sewer services, then the city may no longer charge a different rate for the provision of the water and sewer services for those annexed areas."

SECTION 2.(a) Definition. – As used in this act, "New Development Rule 15A NCAC 02B .0265" means 15A NCAC 02B .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) adopted by the Commission on May 8, 2008, and approved by the Rules Review Commission on November 20, 2008.

SECTION 2.(b) New Development Rule 15A NCAC 02B .0265. – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 2(d) of this act, the Commission and the Department shall implement New Development Rule 15A NCAC 02B .0265, as provided in Section 2(c) of this act.

SECTION 2.(c) Implementation. – Notwithstanding sub-subdivision (d) of subdivision (4) of New Development Rule 15A NCAC 02B .0265, by August 10, 2014, within three months after the Commission's approval of a local program, or upon the Division's first renewal of a local government's NPDES stormwater permit, whichever occurs later, the affected local government shall complete adoption of and implement its local stormwater management program.

SECTION 2.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to replace New Development Rule 15A NCAC 02B .0265. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 2(c) of this act. Rules adopted pursuant to this section are not subject to G.S. 150B-21.8 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 2.(e) Sunset. – Section 2(c) of this act expires on the date that rules adopted pursuant to Section 2(d) of this act become effective.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 821

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/11/12
Third Edition Engrossed 6/20/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S821-CSSB-62 [v.2]

6/25/2012 5:36:16 PM

Short Title: Study and Amend Fisheries Laws. (Public)

Sponsors:

Referred to:

May 21, 2012

A BILL TO BE ENTITLED

AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISHERIES MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) It is the intent of the General Assembly to provide funding for the dredging and maintenance of the State's coastal inlets from fees charged to those who make use of the inlets.

SECTION 1.(b) In order to identify possible sources of funds for the purposes set out in subsection (a) of this section, the Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources, the Executive Director of the Wildlife Resources Commission, and the Deputy Secretary for Transit of the Department of Transportation shall jointly study the fees associated with the issuance of coastal fishing licenses pursuant to Chapter 113 of the General Statutes and the numbering and titling of vessels pursuant to Chapter 75A of the General Statutes.

(1) For coastal fishing licenses, the Director and Executive Director shall specifically:
  a. Identify all types of fishing licenses issued for the purpose of taking fish in coastal fishing waters, both recreational and commercial.
  b. Identify the fees associated with these licenses.
  c. Identify the analogous licenses issued and fees charged by states with fisheries profiles similar to those of North Carolina, including at least South Carolina and Virginia.
  d. Recommend several levels of increases in the license fees and calculate the amount of revenue that would be generated by the different levels of increase.
  e. Identify any limitations under State or federal law on the use of license fees for purposes not related to the management of marine fisheries.

(2) For the numbering and titling of vessels, the Executive Director shall specifically:
  a. Identify all requirements for the numbering and titling of vessels.
  b. Determine whether there is a method for differentiating between vessels that are used predominantly in coastal fishing waters versus those that are used predominantly in inland fishing waters.
  c. Identify the fees associated with the numbering and titling of vessels.
  d. Identify the analogous vessel numbering and titling requirements and fees charged by states with coastal boating profiles similar to those of North Carolina, including at least South Carolina and Virginia.
  e. Recommend several levels of increases in the fees associated with the numbering and titling of vessels and calculate the amount of revenue that would be generated by the different levels of increase.
  f. Identify any limitations under State or federal law on the use of fees associated with the numbering and titling of vessels.

(3) The Director and the Executive Director shall examine all other sources of funding, including the gas tax.

SECTION 1.(c) The Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources, the Executive Director of the Wildlife Resources Commission, and the Deputy Secretary for Transit of the Department of Transportation shall jointly submit a report on the study required by subsection (b) of this section to the Legislative Research Commission's Committee on Marine Fisheries no later than September 1, 2012.

SECTION 2.(a) The Executive Director of the Wildlife Resources Commission, the Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources, and the Commissioner of Agriculture shall, in consultation with various user groups, study the current organization of the State's fisheries management agencies and consider whether these agencies might be reorganized to provide for more efficient, productive, and enjoyable uses of the State's fisheries resources.

SECTION 2.(b) In conducting this study, the Executive Director, the Director, and the Commissioner shall specifically consider all of the following:

(1) The efficient and effective transfer of statutory authority, powers, duties, and functions, including, but not limited to, rule making, licensing, and the rendering of findings, orders, and adjudications.

(2) The efficient and effective transfer and consolidation of records, personnel, property, and unexpended balances of appropriations, allocations, or other

funds. This component of the study shall specifically identify any areas of overlap between agency programs or personnel.

(3) The uninterrupted and unimpaired continuation of all services provided by the agencies, rules adopted or implemented by the agencies, contracts or other obligations entered into by the agencies, and proceedings to which any agency is a party.

(4) All statutory, rule, and policy changes that would be necessary to reorganize fisheries management in the State.

(5) Positions or duties regarding fisheries resource management currently carried out by the Marine Fisheries Commission or the Division of Marine Fisheries of the Department of Environment and Natural Resources that are within the scope of the overall mission of the Department of Agriculture and Consumer Services.

(6) Any other issues necessary for the potential reorganization of fisheries management in the State.

SECTION 2.(c) The Executive Director, the Director, and the Commissioner shall jointly report on the study conducted pursuant to Sections 2(a) and 2(b) of this act to the Legislative Research Commission's Committee on Marine Fisheries no later than October 1, 2012.

SECTION 3.(a) G.S. 113-187 reads as rewritten:

"**§ 113-187. Penalties for violations of Subchapter and rules.**

(a) Any person who participates in a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in an operation in connection with which any vessel is used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(b) Any owner of a vessel who knowingly permits it to be used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(c) Any person in charge of a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in charge of any vessel used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(d) Any person in charge of a commercial fishing operation conducted in violation of the following provisions of this Subchapter or the following rules of the Marine Fisheries Commission; and any person in charge of any vessel used in violation of the following provisions of the Subchapter or the following rules, shall be guilty of a Class A1 misdemeanor. The violations of the statute or the rules for which the penalty is mandatory are:

(1) Taking or attempting to take, possess, sell, or offer for sale any oysters, mussels, or clams taken from areas closed by statute, rule, or proclamation because of suspected pollution.

(2) Taking or attempting to take or have in possession aboard a vessel, shrimp taken by the use of a trawl net, in areas not opened to shrimping, pulled by a vessel not showing lights required by G.S. 75A-6 after sunset and before sunrise.

(3) Using a trawl net in any coastal fishing waters closed by proclamation or rule to trawl nets.

(4) Violating the provisions of a special permit or gear license issued by the Department.

(5) Using or attempting to use any trawl net, long haul seine, swipe net, mechanical methods for oyster or clam harvest or dredge in designated primary nursery areas.

(e) Any person who takes menhaden or Atlantic thread herring by the use of a purse seine net deployed by a mother ship and one or more runner boats in coastal fishing waters is guilty of a Class A1 misdemeanor."

SECTION 3.(b) S.L. 2007-320 is repealed.

SECTION 4.(a) G.S. 143B-289.57 reads as rewritten:

"**§ 143B-289.57. Marine Fisheries Commission Advisory Committees established; members; selection; duties.**

...

(b) The Chair of the Commission shall appoint the following standing advisory committees:

(1) The Finfish Committee, which shall consider matters concerning finfish.

~~(2) The Crustacean Committee, which shall consider matters concerning shrimp and crabs.~~

~~(3) The Shellfish Committee, which shall consider matters concerning oysters, clams, scallops, and other molluscan shellfish.~~

(3a) The Shellfish/Crustacean Advisory Committee, which shall consider matters concerning oysters, clams, scallops, other molluscan shellfish, shrimp, and crabs.

(4) The Habitat and Water Quality Committee, which shall consider matters concerning habitat and water quality that may affect coastal fisheries resources.

...

(e) The Chair of the Commission shall appoint a ~~regional advisory committee for each of the three coastal regions designated in G.S. 143B-289.54(b) and shall appoint a regional advisory committee for that part of the State that is not included in the three coastal regions.~~ Northern Regional Advisory Committee, encompassing areas from the Virginia line south through Hyde and Pamlico Counties and any counties to the west, and a Southern Regional Advisory Committee, encompassing areas from Carteret County south to the South Carolina line and any counties to the west. In making appointments to regional advisory committees, the Chair of the Commission shall ensure that both commercial and recreational fishing interests are fairly represented."

SECTION 4.(b) G.S. 113-200 reads as rewritten:

"**§ 113-200. Fishery Resource Grant Program.**

...

(e1) Grants Committee. – The Grants Committee shall consist of eleven members as follows:

(1) Three employees of the Sea Grant College Program, appointed by the Director of the Sea Grant College Program.

(2) Two employees of the Division of Marine Fisheries, appointed by the Fisheries Director.

(3) Two members of the Marine Fisheries Commission, appointed by the Chair of the Marine Fisheries Commission.

(4) ~~One member~~Two members of the ~~Northeast~~ Northern Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Northeast~~ Northern Regional Advisory Committee.

~~(5) One member of the Central Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Central Regional Advisory Committee.~~

(6) ~~One member~~Two members of the ~~Southeast~~ Southern Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Southeast~~ Southern Regional Advisory Committee.

~~(7) One member of the Inland Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Inland Regional Advisory Committee.~~

...."

SECTION 4.(c) The terms of the members currently serving on the Crustacean, Shellfish, and the four regional advisory committees (Northeast, Southeast, Central, and Inland) shall expire on June 30, 2012. Effective July 1, 2012, the Chair of the Marine Fisheries Advisory Commission shall appoint no more than 11 members to the Northern Regional Advisory Committee and the Southern Regional Advisory Committee, established pursuant to subsection (e) of G.S. 143B-289.57, as amended by this section.

SECTION 5. G.S. 143B-289.52 reads as rewritten:

"**§ 143B-289.52. Marine Fisheries Commission – powers and duties.**

...

(e1) A supermajority of the Commission shall be six members. A supermajority shall be necessary to override recommendations from the Division of Marine Fisheries regarding measures needed to end overfishing or to rebuild overfished stocks."

SECTION 6. Sections 4(a) and 4(b) of this act become effective July 1, 2012. Sections 3(a) and 3(b) of this act become effective January 1, 2013, and Section 3(a) applies to offenses committed on or after that date. The remaining sections of this act are effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 821

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/11/12
Third Edition Engrossed 6/20/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S821-CSSB-62 [v.2]

6/25/2012 5:36:16 PM

Short Title: Study and Amend Fisheries Laws. (Public)

Sponsors:

Referred to:

May 21, 2012

A BILL TO BE ENTITLED

AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISHERIES MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS.

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(3) The Director and the Executive Director shall examine all other sources of funding, including the gas tax.

SECTION 1.(c) The Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources, the Executive Director of the Wildlife Resources Commission, and the Deputy Secretary for Transit of the Department of Transportation shall jointly submit a report on the study required by subsection (b) of this section to the Legislative Research Commission's Committee on Marine Fisheries no later than September 1, 2012.

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SECTION 6. Sections 4(a) and 4(b) of this act become effective July 1, 2012. Sections 3(a) and 3(b) of this act become effective January 1, 2013, and Section 3(a) applies to offenses committed on or after that date. The remaining sections of this act are effective when this act becomes law.

SENATE BILL 900:
Surf City Deannexation

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 25, 2012
Introduced by:	Sen. Rabon	**Prepared by:**	Kelly Quick
Analysis of:	First Edition		Committee Staff

SUMMARY: Senate Bill 900 deannexes a described area from the Town of Surf City.

CURRENT LAW: Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to add territory to their municipal limits by annexation.

The General Assembly has not enacted any method for municipalities to *deannex* property -- that power remains with the General Assembly.

BILL ANALYSIS: Senate Bill 900 deannexes a described area totaling approximately 49.02 acres from the Town of Surf City. The area was subject to a voluntary satellite annexation ordinance dated May 2, 2006.

EFFECTIVE DATE: This act becomes effective June 30, 2012.

Giles Perry and Cindy Avrette substantially contributed to this summary.

S900-SMTH-51(e1) v2

SENATE BILL 900:
Surf City Deannexation

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 25, 2012
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Giles Perry and Cindy Avrette substantially contributed to this summary.

S900-SMTH-51(e1) v2

SENATE BILL 901:
Ocean Isle Beach Satellite Annexations

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 25, 2012
Introduced by:	Sen. Rabon	**Prepared by:**	Kelly Quick Committee Staff
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 901 exempts the Town of Ocean Isle Beach from the 10% area cap on voluntary satellite annexations.***

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property (known as voluntary satellite annexation). If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if it meets all of the following five standards:

1. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
5. *The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: Senate Bill 901 adds the Town of Ocean Isle Beach to the group of municipalities exempted from the 10% area cap on satellite annexations.

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

Giles Perry and Cindy Avrette substantially contributed to this summary.

S901-SMTH-52(e1) v1

SENATE BILL 901:
Ocean Isle Beach Satellite Annexations

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 25, 2012
Introduced by:	Sen. Rabon	**Prepared by:**	Kelly Quick Committee Staff
Analysis of:	First Edition		

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2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
5. *The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: Senate Bill 901 adds the Town of Ocean Isle Beach to the group of municipalities exempted from the 10% area cap on satellite annexations.

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

Giles Perry and Cindy Avrette substantially contributed to this summary.

S901-SMTH-52(e1) v1

SENATE BILL 949:
Town of Boone/ETJ

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 25, 2012
Introduced by:	Sen. Soucek	**Prepared by:**	Kelly Quick
Analysis of:	Second Edition		Committee Staff

SUMMARY: Senate Bill 949 would prohibit the Town of Boone from the exercise of extraterritorial jurisdiction authority.

CURRENT LAW:

Except under certain circumstances, the General Statutes allow municipalities to regulate land-use within an area one-mile beyond their municipal boundaries, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance. With the approval of the county commissioners, a city with a population between 10,000 and 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits. G.S. 160A-360(a).

The circumstance that prevents this exercise is in the instance when, at the time the city extends its ETJ powers, the county has adopted and is enforcing in the area all of the following:

- A zoning ordinance.
- Subdivision regulation.
- The State Building Code. G.S. 160A-360(e)

If the county is exercising all three authorities, the city may still extend its ETJ authority into that area if the county agrees.

BILL ANALYSIS: Senate Bill 949 would prohibit the exercise of extraterritorial jurisdiction authority by the Town of Boone.

EFFECTIVE DATE: June 30, 2013

S949-SMTH-54(e2) v1

SENATE BILL 949:
Town of Boone/ETJ

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 25, 2012
Introduced by:	Sen. Soucek	**Prepared by:**	Kelly Quick
Analysis of:	Second Edition		Committee Staff

SUMMARY: Senate Bill 949 would prohibit the Town of Boone from the exercise of extraterritorial jurisdiction authority.

CURRENT LAW:

Except under certain circumstances, the General Statutes allow municipalities to regulate land-use within an area one-mile beyond their municipal boundaries, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance. With the approval of the county commissioners, a city with a population between 10,000 and 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits. G.S. 160A-360(a).

The circumstance that prevents this exercise is in the instance when, at the time the city extends its ETJ powers, the county has adopted and is enforcing in the area all of the following:

- A zoning ordinance.
- Subdivision regulation.
- The State Building Code. G.S. 160A-360(e)

If the county is exercising all three authorities, the city may still extend its ETJ authority into that area if the county agrees.

BILL ANALYSIS: Senate Bill 949 would prohibit the exercise of extraterritorial jurisdiction authority by the Town of Boone.

EFFECTIVE DATE: June 30, 2013

S949-SMTH-54(e2) v1

SENATE BILL 951:
Cleveland Cty. Prop Transfer/ABC Def.

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 25, 2012
Introduced by:	Sen. Westmoreland	**Prepared by:**	Shelly DeAdder
Analysis of:	PCS to Second Edition S951-CSTO-6		Committee Counsel

SUMMARY: Senate Bill 951 will convey the Cleveland County Correctional Facility to the Board of Trustees of Cleveland Community College and will amend the definition of a Historic ABC Establishment.

The PCS to Senate Bill 951 amends Section 1 to correctly specify the parcel of land being conveyed to Cleveland Community College and adds Section 4 regarding the definition of a historic ABC establishment.

CURRENT LAW: The former Cleveland County Correctional Facility is State owned property that is currently allocated to the Department of Public Safety, Division of Adult Corrections.

A historic ABC establishment must currently meet four requirements, one of which is a requirement that the establishment be on the national register of historic places or located within a State historic district. G.S. 18B-101(7b).

ILL ANALYSIS:

ection 1: Provides that the State conveys the former Cleveland County Correctional Facility to Cleveland Community College for $1.00. The property reverts back to the State if Cleveland Community College ceases to use the property for educational purposes.

Section 2: The State conveys the property to Cleveland Community College as is without warranty and without representations. Cleveland Community College must bear all costs of the conveyance.

Section 3: The conveyance is exempt from the provisions of Article 7 of Chapter 146 of the General Statutes (Dispositions). The conveyance must comply with the provisions of Article 16 of Chapter 146 of the General Statutes (Form of Conveyances); however, the requirement that the conveyance be approved by the Governor and Council of State pursuant to G.S. 146-74 does not apply.

Section 4: This section broadens the definition of a historic ABC establishment. If a restaurant or hotel is not on the national register of historic places or located within a State historic district, as currently required by G.S. 18B-101(7b)(a), it may still qualify as a historic ABC establishment if it is: (1) a contributing structure in a National Register Historic District, or (2) under protective covenants or a historic preservation agreement administered by the Historic Preservation Foundation of North Carolina, Inc. The establishment must still meet the additional three requirements of G.S. 18B-101(7b)(b-d).

EFFECTIVE DATE: Sections 1-3 are effective July 1, 2014. The remainder of this act is effective when it becomes law.

~951-SMTO-1(CSTO-6) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 951
Second Edition Engrossed 6/20/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S951-PCS75222-TO-6

Short Title: Cleveland Cty. Prop Transfer/ABC Def. (Public)

Sponsors:

Referred to:

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COMMUNITY COLLEGE AND TO AMEND THE DEFINITION OF A HISTORIC ABC ESTABLISHMENT.

The General Assembly of North Carolina enacts:

SECTION 1. The State of North Carolina shall convey to the Board of Trustees of Cleveland Community College, for consideration of one dollar ($1.00), all its right, title, and interest in the property used for the former Cleveland County Correctional Facility, more particularly described as that portion of Parcel 22252 Cleveland County, deed reference Book 4F, Page 064, consisting of approximately 13.25 acres currently allocated to the Department of Public Safety, Division of Adult Corrections, SPO File No. 23-008. The conveyance is subject to a reversionary interest reserved by the State. The property shall be conveyed to the Board of Trustees of Cleveland Community College for so long as it is utilized for educational purposes consistent with the mission of the North Carolina Community College System.

SECTION 2. The State of North Carolina shall convey the real property described in Section 1 "as is" "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property shall be borne by Cleveland Community College.

SECTION 3. The conveyance of the State's right, title, and interest in the Cleveland County Correctional Facility shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes; provided that the provisions of G.S. 146-74 shall not apply.

SECTION 4. G.S. 18B-101(7b) reads as rewritten:

"(7b) "Historic ABC establishment" means a restaurant or hotel that meets all of the following requirements:

a. Is on the national register of historic places or located within a State historic ~~district.~~district; is a contributing structure in a National Register Historic District; or is under protective covenants or a historic preservation agreement administered by the Historic Preservation Foundation of North Carolina, Inc.

b. Is a property designed to attract local, State, national, and international tourists located on a State Route (SR) and with a property line located within 1.5 miles of the intersection of a designated North Carolina scenic byway as defined in G.S. 136-18(31).

c. Is located within 15 miles of a national scenic highway.

d. Is located in a county in which the on-premises sale of malt beverages or unfortified wine is authorized in two or more cities in the county."

SECTION 5. Sections 1 through 3 of this act become effective July 1, 2014. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 951
Second Edition Engrossed 6/20/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S951-PCS75222-TO-6

Short Title: Cleveland Cty. Prop Transfer/ABC Def. (Public)

Sponsors:

Referred to:

May 31, 2012

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c. Is located within 15 miles of a national scenic highway.

d. Is located in a county in which the on-premises sale of malt beverages or unfortified wine is authorized in two or more cities in the county."

SECTION 5. Sections 1 through 3 of this act become effective July 1, 2014. The remainder of this act is effective when it becomes law.

SENATE BILL 951:
Cleveland Cty. Prop Transfer/ABC Def.

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 25, 2012
Introduced by:	Sen. Westmoreland	**Prepared by:**	Shelly DeAdder
Analysis of:	PCS to Second Edition S951-CSTO-6		Committee Counsel

SUMMARY: Senate Bill 951 will convey the Cleveland County Correctional Facility to the Board of Trustees of Cleveland Community College and will amend the definition of a Historic ABC Establishment.

The PCS to Senate Bill 951 amends Section 1 to correctly specify the parcel of land being conveyed to Cleveland Community College and adds Section 4 regarding the definition of a historic ABC establishment.

CURRENT LAW: The former Cleveland County Correctional Facility is State owned property that is currently allocated to the Department of Public Safety, Division of Adult Corrections.

A historic ABC establishment must currently meet four requirements, one of which is a requirement that the establishment be on the national register of historic places or located within a State historic district. G.S. 18B-101(7b).

ILL ANALYSIS:

Section 1: Provides that the State conveys the former Cleveland County Correctional Facility to Cleveland Community College for $1.00. The property reverts back to the State if Cleveland Community College ceases to use the property for educational purposes.

Section 2: The State conveys the property to Cleveland Community College as is without warranty and without representations. Cleveland Community College must bear all costs of the conveyance.

Section 3: The conveyance is exempt from the provisions of Article 7 of Chapter 146 of the General Statutes (Dispositions). The conveyance must comply with the provisions of Article 16 of Chapter 146 of the General Statutes (Form of Conveyances); however, the requirement that the conveyance be approved by the Governor and Council of State pursuant to G.S. 146-74 does not apply.

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EFFECTIVE DATE: Sections 1-3 are effective July 1, 2014. The remainder of this act is effective when it becomes law.

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HR 1019 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF ALAN THOMAS DICKSON, BUSINESS LEADER.

☒ With recommendation that it be adopted.

(FOR JOURNAL USE ONLY)

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SB 951 A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COMMUNITY COLLEGE.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill..

(FOR JOURNAL USE ONLY)

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

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

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

2012 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 426 A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES AND TO AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

2012 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SB 900 A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

2012 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SB 901 A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 949 A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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HOUSE OF REPRESENTATIVES

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☐ Committee Substitute for

SB 951 A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COMMUNITY COLLEGE.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill..

(FOR JOURNAL USE ONLY)

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

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2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 821 A BILL TO BE ENTITLED AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISH AND WILDLIFE MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill -1.

(FOR JOURNAL USE ONLY)

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

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

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2012 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 382 A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING OF INCOME TAXES FROM SALES OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY BY NONRESIDENTS.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill -1.

(FOR JOURNAL USE ONLY)

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Committee Sergeants at Arms

NAME OF COMMITTEE Rules Comm.

DATE: 6-25-2012 **Room:** 643

House Sgt-At Arms:

1. **Name:** Reggie Sills
2. **Name:** Joe Crook
3. **Name:** Jesse Hayes
4. **Name:** Young Bae
5. **Name:** Carl Morello

Senate Sgt-At Arms:

1. **Name:**
2. **Name:**
3. **Name:**
4. **Name:**
5. **Name:**

VISITOR REGISTRATION SHEET

House Rules, Calendar & Operations — 6/25/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bo Heath	McGuireWoods
Allison Waller	Nelson Mullins
Weldon Jones	Jordan Price
Cady Thomas	NCAR
Daniel Bacon	Troutman Sanders
Doug Heron	WM
	Elon
	NCHA
	NCICU
	Visiting

VISITOR REGISTRATION SHEET

House Rules, Calendar & Operations — 6/25/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Luke Worsham	Visitor
PAIGE WORSHAM	LEGISLATIVE REPORTING SERVICE
Connie Connor	Visitor
[signature]	NCRMA
Ken Melton	K.M.A.
Latonia Strickland	NCACC
[signature]	[signature]
K. Bestman	TSS
[signature]	DCR
Robbie Perkins	Greensboro MAYOR
Marlene Sandford	TREBIC

VISITOR REGISTRATION SHEET

House Rules; Calendar & Operations 6/25/12
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mary Foreman	NCAE
Tony Adams	NCOAA
Erica Nelson	NCHA
Amy Whited	NCHS
Wendy Kelly	Policy Group
Sharry Robertson	TWC
Sarah Hardin	CTL
Stuart Brooks	Ward and Smith
DAVID BARNES	PS
JOHN CRAFT	TOWN OF LA GRANGE PO Box 368 LaGrange NC 28551
Ellen Harnick	Center for Responsible Lending

VISITOR REGISTRATION SHEET

Rules — 6/25/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carmen Hooker	Electricities
Stephen Kouba	compassNC
Ed Regan	NCRGEA
Rick Fedrizzi	Progress Energy
Lisa Martin	NC HBA
Larry Barley	GIC
Estherine Davis	Estherine Davis ATSDC

VISITOR REGISTRATION SHEET

Rules — Name of Committee

5/12/12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Evelyn Hawthorne	DHR
Kerry Hawkins	Duke
Kari Barsness	DENR
Robin Smith	DENR
Will Morgan	NC Sierra
Alex Mullen	K66
Erin Wynia	NCLM
Kee Kehoe	NCLM

VISITOR REGISTRATION SHEET

House Rules, Calendar & Operations — 6/25/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	MWC
DICK HAMILTON	NCWF
R Rogers	CWMTP
CURTIS DILLON	MLWRC
MALLORI MARTIN	" "
LORDON MYERS	" "
Stephen Ammons	CCA NC
BRUCE THOMPSON	NCHOZ POG
Michael Flowers	NC POR
Roger Hosey	The Longmire Group / Southern Division Development
Michelle Frazier	MF+S

VISITOR REGISTRATION SHEET

Rules — 5/26/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Loretta Clawson	Town of Boone
Allan Scherlen	Town of Boone
Andy Bar	Town of Boone
Lee Stroupe	Boone
David Knight	NCDENR
Lori Daniel	NC DENR
Jessica M Mallard	NC DENR
Becki Gray	Locke Foundation
Barrett Hunter	Locke Foundation
Alexis T Monahan	Locke Foundation
Paul Nyp	NCLM

VISITOR REGISTRATION SHEET

Rules — Name of Committee

8/28/12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Bonfield	City of Durham
Karmisha Wallace	" " "
Susan Camilli	DoA
Christy Igou	DOA
Colleen Kachmark	KLG
Patrick Baker	City of Durham
Don O Took	" " "
Mitch Leonard	SEANC
Chuck Stone	SEANC
Annaliese Dolph	DRNC
Sarah Preston	ACLU-NC

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 26, 2012

The Committee on Rules, Calendar and Operations of the House met on June 26, 2012 at 6:07 p.m. in room 1228 of the Legislative Building. The following members were present: Representative Moore, Chairman, Representative Owens, Vice Chair; Representatives Alexander, Blust, Crawford, Daughtry, Farmer-Butterfield, Folwell, Hackney, Hill, Jeffus, Johnson, Luebke, Moffitt, Parmon, Saine, Samuelson, and Stam.

Chairman Moore presided.

The following bills were considered:

SB 876, Mooresville Deannexation. (Senator Carney, Primary Sponsor). Representative Owens motioned for a favorable report of the Bill. The vote was called and the motion passed. The Bill was referred to the House Committee on Finance.

HR 1073, UNCHCS Changes. (Representative Moffitt, Primary Sponsor). Chairman Moore recognized Representative Owens who motioned for the PCS to be before the Committee. Representative Moffitt explained the Bill. There was discussion and debate on the Bill. Representative Daughtry motioned for a favorable report as to the PCS and unfavorable to the original. Division was called with 7 ayes and 9 voting no, and the motion failed.

Representative Moore adjourned at 6:12 p.m.

Respectfully submitted:

Representative Tim Moore
Chairman

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

n:	Nancy Garriss (Rep. Tim Moore)
t:	Tuesday, June 26, 2012 10:00 AM
To:	Rep. Tim Moffitt
Cc:	Melissa Carter (Rep. Moffitt)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tue, 06-26-2012 at 15 minutes after session - CORRECTED

Corrected Notice Meeting today

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 26, 2012
IE: 15 minutes after session
CATION: 1327 LB
COMMENTS: Meeting today

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1073	UNCHCS Changes.	Representative Moffitt

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **June 26, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

Lisa Kennedy (Rep. LaRoque)

m:	Nancy Garriss (Rep. Tim Moore)
t:	Tuesday, June 26, 2012 4:41 PM
To:	Rep. Tim Moffitt; Sen. Chris Carney
Cc:	Melissa Carter (Rep. Moffitt); Mona Fitzgerald (Sen. Chris Carney)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Tue, 06-26-2012 at 15 minutes after session - CORRECTED

Corrected Notice Bill added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Tuesday, June 26, 2012
IE: 15 minutes after session
CATION: 1327 LB
COMMENTS: SB 876 added

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1073	UNCHCS Changes.	Representative Moffitt
SB 876	Mooresville Deannexation.	Senator Carney

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **June 26, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

HOUSE BILL 1073

Short Title:	UNCHCS Changes.	(Public)
Sponsors:	Representative Moffitt (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Health and Human Services.	

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PURPOSE OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM, TO INCREASE THE AUTHORITY OF THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS TO GOVERN THE HEALTH CARE SYSTEM, TO REDUCE THE NUMBER AND CHANGE THE COMPOSITION OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE HEALTH CARE SYSTEM, TO INCREASE THE SYSTEM'S ACCOUNTABILITY AND TRANSPARENCY, TO CLARIFY ITS STATUS AS A STATE AGENCY, AND TO LIMIT FUTURE EXPANSION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STATE-OWNED ASSETS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-37 reads as rewritten:

"**§ 116-37. University of North Carolina Health Care System.**

(a) Creation of System. –

(1) There is hereby established the University of North Carolina Health Care System, effective November 1, 1998, which shall be ~~governed and administered as~~ an affiliated enterprise of The University of North Carolina governed by the Board of Governors and administered by the board of directors created in subsection (b) of this section. Consistent with State statutes and policy and without unduly competing with non-State-owned health care systems, the purpose of the University of North Carolina Health Care System is to ~~in accordance with the provisions of this section, to provide patient care, facilitate the education of physicians and other health care providers, conduct research collaboratively with the health sciences schools of the University of North Carolina at Chapel Hill, and render other services designed to promote the health and well-being of the citizens of North Carolina.~~ meet the goals of education, research, patient care, and community service.

(2) As of November 1, 1998, all of the rights, privileges, liabilities, and obligations of the board of directors of the University of North Carolina Hospitals at Chapel Hill, not inconsistent with the provisions of this section, shall be transferred to and assumed by the board of directors of the University of North Carolina Health Care System.

(3) The University of North Carolina Hospitals at Chapel Hill and the clinical patient care programs established or maintained by the School of Medicine

of the University of North Carolina at Chapel Hill shall be governed by the Board of Governors and administered by the board of directors of the University of North Carolina Health Care System.

(4) With respect to the provisions of subsections (d), (e), (f), ~~(h), (i), (j),~~ and (k) of this section, the ~~board of directors~~ Board of Governors may adopt or may delegate to the board of directors the authority to adopt policies that make the authorities and responsibilities established by one or more of said subsections applicable to the University of North Carolina Hospitals at Chapel Hill, to the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill, to both, or to other persons or entities affiliated with or under the control of the University of North Carolina Health Care System.

(5) To effect an orderly transition, the policies and procedures of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill and of the University of North Carolina Hospitals at Chapel Hill effective as of October 31, 1998, shall remain effective in accordance with their terms until changed by the Board of Directors of the University of North Carolina Health Care System.

(b) Board of Directors. ~~There is hereby established a board of directors of the University of North Carolina Health Care System, effective November 1, 1998.~~The Board of Governors of The University of North Carolina is directed to reconstitute the board of directors for the University of North Carolina Health Care System, effective November 1, 2012.

(1) The reconstituted board of directors shall be composed of 12 members as follows:

a. ~~A minimum of six~~Three members ex officio of said board shall be ~~the President of The University of North Carolina (or the President's designee);~~ the State Treasurer or the Treasurer's designee; the Chief Executive Officer of the University of North Carolina Health Care System; ~~the Chancellor of the University of North Carolina at Chapel Hill and one additional administrative officer of the University of North Carolina at Chapel Hill designated by the Chancellor; and two members of the faculty of the~~ and the Dean of the School of Medicine of the University of North Carolina at Chapel ~~Hill designated by the Dean of the School of Medicine;~~ Hill; provided, that if the Dean is already ~~not such~~ a member ex officio by virtue of holding one or more of the offices aforementioned, ~~additional ex officio memberships shall be held by the President of the University of North Carolina Hospitals at Chapel Hill,~~ the faculty member responsible for leading the clinical patient care programs of the School of ~~Medicine, and the Dean of the School of Medicine of the University of North Carolina at Chapel Hill.~~ Medicine shall serve as the third member ex officio.

b. ~~No less than nine and no more than 21~~Nine members at ~~large, which number shall be determined by the board of directors,~~ large who shall be appointed by the Board of Governors for four-year terms, commencing on November 1 of the year of ~~appointment; provided, that~~ appointment. In order to effectuate staggered terms and to provide continuity of board membership, a minimum of five members of the initial class of at-large members of the reconstituted board shall ~~include~~ be selected by the Board of Governors from the persons who hold the appointed memberships on the board of

directors of the University of North Carolina ~~Hospitals at Chapel Hill~~Health Care System incumbent as of October 31, ~~1998~~2012, whose terms shall expire on October 31, 2014. ~~with their terms of membership on the board of directors of the University of North Carolina Health Care System to expire on the last day of October of the year in which their term as a member of the board of directors of the University of North Carolina Hospitals at Chapel Hill would have expired.~~The Board of Governors shall appoint individuals to the remaining at-large positions of the reconstituted board whose terms shall expire on October 31, 2016. ~~Vacant~~As the terms of the initial at-large members of the reconstituted board expire, the Board of Governors shall appoint individuals to fill the vacant at-large positions ~~shall be filled by the appointment of persons~~ from the business and professional public at large who have special competence in business management, hospital administration, health care delivery, or medical practice or who otherwise have demonstrated dedication to the improvement of health care in North Carolina, and who are neither members of the Board of Governors, members of the board of trustees of a constituent institution of The University of North Carolina, nor officers or employees of the State. ~~Members shall be appointed by the President of the University, and ratified by the Board of Governors, from among a slate of nominations made by the board of directors of the University of North Carolina Health Care System.~~ No member may be appointed to more than two full four-year terms in succession; provided, that persons holding appointed memberships on November 1, ~~1998~~2012, by virtue of their previous membership on the board of directors of the University of North Carolina ~~Hospitals at Chapel Hill,~~ Health Care System on October 31, 2012, shall not be ~~eligible, for a period of one year following expiration of their term,~~ eligible to be reappointed to the board of directors of the University of North Carolina Health Care System. Any vacancy in an unexpired term shall be filled by an appointment made by ~~the President, and ratified by~~ the Board of ~~Governors, upon the nomination of the board of directors,~~Governors for the balance of the term remaining.

(2) The board of directors, with each ex officio and at-large member having a vote, shall elect a chairman only from among the at-large members, for a term of two years. ~~Notwithstanding the foregoing limitation, the Chancellor of the University of North Carolina at Chapel Hill may serve as Chairman.~~ No person shall be eligible to serve as chairman for more than three terms in succession.

(3) The board of directors of the University of North Carolina Health Care System shall meet at least every 60 days and may hold special meetings at any time and place within the State at the call of the chairman. Board members, other than ex officio members, shall receive the same per diem and reimbursement for travel expenses as members of the State boards and commissions generally.

(4) In meeting the patient-care, educational, research, and public-service goals of the University of North Carolina Health Care System, the Board of Governors ~~board of directors~~ is authorized or may delegate to the board of directors the authority to ~~exercise such authority and responsibility to~~ adopt

policies, rules, and regulations that are ~~as it deems~~ necessary and appropriate, not inconsistent with the provisions of this section or the policies of the Board of Governors or, to the extent the ~~board's~~ actions affect employees of the University of North Carolina at Chapel Hill, not inconsistent with the policies of the University of North Carolina at Chapel Hill. The Board of Governors ~~board~~ may authorize or may delegate to the board of directors the authority to authorize any component of the University of North Carolina Health Care System, including the University of North Carolina Hospitals at Chapel Hill, to contract in its individual capacity, subject to such policies and procedures as the board of directors may direct. The board of directors may enter into formal agreements with the University of North Carolina at Chapel Hill with respect to the provision of clinical experience for students and for the provision of maintenance and supporting services. The board's action on matters within its jurisdiction is final, except that appeals may be made, in writing, to the Board of Governors with a copy of the appeal to the Chancellor of the University of North Carolina at Chapel Hill. The board of directors shall keep the Board of Governors and the board of trustees of the University of North Carolina at Chapel Hill fully informed about health care policy and recommend changes necessary to maintain adequate health care delivery, education, and research for improvement of the health of the citizens of North Carolina.

(c) Officers. –

(1) The executive and administrative head of the University of North Carolina Health Care System shall have the title of "Chief Executive Officer." The board of directors, the board of trustees, and the Chancellor of the University of North Carolina at Chapel Hill, following such search process as the boards and the Chancellor deem appropriate, shall identify two or more persons as candidates for the office, who, pursuant to criteria agreed upon by the boards and the Chancellor, have the qualifications for both the positions of Chief Executive Officer of the University of North Carolina Health Care System and Vice-Chancellor for Medical Affairs of the University of North Carolina at Chapel Hill. The names of the candidates so identified, once approved by the board of directors and the board of trustees, shall be forwarded by the Chancellor to the President of The University of North Carolina, who if satisfied with the quality of one or more of the candidates, will nominate one as Chief Executive Officer, subject to selection by the Board of Governors. The individual serving as Chief Executive Officer shall have complete executive and administrative authority to formulate proposals for, recommend the adoption of, and implement policies governing the programs and activities of the University of North Carolina Health Care System, subject to all requirements of the board of directors. That same individual, when serving as Vice-Chancellor for Medical Affairs, shall have all authorities, rights, and responsibilities of a vice-chancellor of the University of North Carolina at Chapel Hill.

(2) The executive and administrative head of the University of North Carolina Hospitals at Chapel Hill shall have the title of "President of the University of North Carolina Hospitals at Chapel Hill."

(3) The board of directors shall elect, on nomination of the Chief Executive Officer, the President of the University of North Carolina Hospitals at Chapel Hill, and such additional administrative and professional staff employees of the University of North Carolina Health Care System as may

be deemed necessary to assist in fulfilling the duties of the office of the Chief Executive Officer, all of whom shall serve at the pleasure of the Chief Executive Officer.

(d) Personnel. – Employees of the University of North Carolina Health Care System shall be deemed to be employees of the State and shall be subject to all provisions of State law relevant thereto; provided, however, that except as to the provisions of Articles 5, 6, 7, and 14 of Chapter 126 of the General Statutes, the provisions of Chapter 126 shall not apply to employees of the University of North Carolina Health Care System, and the policies and procedures governing the terms and conditions of employment of such employees shall be adopted by the board of directors; provided, that with respect to such employees as may be members of the faculty of the University of North Carolina at Chapel Hill, no such policies and procedures may be inconsistent with policies established by, or adopted pursuant to delegation from, the Board of Governors of The University of North Carolina.

(1) The ~~board of directors~~ Board of Governors shall fix or approve or may delegate to the board of directors the authority to fix or approve the schedules of pay, expense allowances, and other compensation and adopt position classification plans for employees of the University of North Carolina Health Care System.

(2) The ~~board of directors~~ Board of Governors may adopt or provide or may delegate to the board of directors the authority to adopt or provide for rules and regulations concerning, but not limited to, annual leave, sick leave, special leave with full pay or with partial pay supplementing workers' compensation payments for employees injured in accidents arising out of and in the course of employment, working conditions, service awards and incentive award programs, grounds for dismissal, demotion, or discipline, other personnel policies, and any other measures that promote the hiring and retention of capable, diligent, and effective career employees. However, an employee who has achieved career State employee status as defined by G.S. 126-1.1 by October 31, 1998, shall not have his or her compensation reduced as a result of this subdivision. Further, an employee who has achieved career State employee status as defined by G.S. 126-1.1 by October 31, 1998, shall be subject to the rules regarding discipline or discharge that were effective on October 31, 1998, and shall not be subject to the rules regarding discipline or discharge adopted after October 31, 1998.

(3) The ~~board of directors~~Board of Governors may prescribe or may delegate to the board of directors the authority to prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the University of North Carolina Health Care System.

(4) The ~~board of directors~~Board of Governors may establish or may delegate to the board of directors the authority to establish boards, committees, or councils to conduct hearings upon the appeal of employees who have been suspended, demoted, otherwise disciplined, or discharged, to hear employee grievances, or to undertake any other duties relating to personnel administration that the board of directors may direct.

The board of directors shall submit all initial classification and pay plans and other rules and regulations adopted pursuant to subdivisions (1) through (4) of this subsection to the Office of State Personnel for review upon adoption by the board. Any subsequent changes to these plans, rules, and policies ~~adopted by the board~~ shall be submitted to the Office of State Personnel for review. Any comments by the Office of State Personnel shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina.

(e) Finances. – The University of North Carolina Health Care System shall be subject to the provisions of the State Budget ~~Act, except for trust funds as provided in G.S. 116-36.1 and G.S. 116-37.2.~~ Act. The Chief Executive Officer, subject to the ~~board of directors,~~ Board of Governors, shall be responsible for all aspects of budget preparation, budget execution, and expenditure reporting. All operating funds of the University of North Carolina Health Care System may be budgeted and disbursed through special fund codes, maintaining separate auditable accounts for the University of North Carolina Hospitals at Chapel Hill and the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill. All receipts of the University of North Carolina Health Care System may be deposited directly to the special fund codes, and except for General Fund appropriations, all receipts of the University of North Carolina Hospitals at Chapel Hill may be invested pursuant to G.S. 116-37.2(h). General Fund appropriations for support of the University of North Carolina Hospitals at Chapel Hill shall be budgeted in a General Fund code under a single purpose, "Contribution to University of North Carolina Hospitals at Chapel Hill Operations" and be transferable to a special fund operating code as receipts.

(f) Finances – Patient/Health Care System Benefit. – The Chief Executive Officer of the University of North Carolina Health Care System, or the Chief Executive Officer's designee, may expend operating budget funds, including State funds, of the University of North Carolina Health Care System for the direct benefit of a patient, when, in the judgment of the Chief Executive Officer or the Chief Executive Officer's designee, the expenditure of these funds would result in a financial benefit to the University of North Carolina Health Care System. Any such expenditures are declared to result in the provision of medical services and create charges of the University of North Carolina Health Care System for which the health care system may bill and pursue recovery in the same way as allowed by law for recovery of other health care systems' charges for services that are unpaid.

These expenditures shall be restricted (i) to situations in which a patient is financially unable to afford ambulance or other transportation for discharge; (ii) to afford placement in an after-care facility; (iii) to assure availability of a bed in an after-care facility after discharge from the hospitals; (iv) to secure equipment or other medically appropriate services after discharge; or (v) to pay health insurance premiums. The Chief Executive Officer or the Chief Executive Officer's designee shall reevaluate at least once a month the cost-effectiveness of any continuing payment on behalf of a patient.

To the extent that the University of North Carolina Health Care System advances anticipated government entitlement benefits for a patient's benefit, for which the patient later receives a lump-sum "back-pay" award from an agency of the State, whether for the current admission or subsequent admission, the State agency shall withhold from this back pay an amount equal to the sum advanced on the patient's behalf by the University of North Carolina Health Care System, if, prior to the disbursement of the back pay, the applicable State program has received notice from the University of North Carolina Health Care System of the advancement.

(f1) Provision of Indigent Care. – The University of North Carolina Health Care System shall provide a proportionate share of the indigent care, as compared with non-State-owned health care systems, in each county where it provides medical services. By July 1, 2013, the Board of Governors, in conjunction with the North Carolina Hospital Association, shall develop methods to measure the provision of indigent care services that allow for direct and accurate comparison between health care systems.

(g) Reports. – The Chief Executive Officer ~~and the President of The University of North Carolina jointly~~ shall report by September 30 of each year on the operations and financial affairs of the University of North Carolina Health Care System to the Board of Governors. The Board of Governors shall report by November 30 of each year on the operations and financial affairs of the University of North Carolina Health Care System to the

Joint Legislative Commission on Governmental Operations. The report shall include the actions taken by the Board of Governors or the board of directors under the authority granted in ~~subsections (d), (h), (i), and (j)~~ subsection (d) of this section.

All nonprofit corporations that are part of the University of North Carolina Health Care System must complete an Internal Revenue Service Form 990 annually and submit a copy to the Board of Governors.

~~(h) Purchases. Notwithstanding the provisions of Articles 3, 3A, and 3C of Chapter 143 of the General Statutes to the contrary, the board of directors shall establish policies and regulations governing the purchasing requirements of the University of North Carolina Health Care System. These policies and regulations shall provide for requests for proposals, competitive bidding, or purchasing by means other than competitive bidding, contract negotiations, and contract awards for purchasing supplies, materials, equipment, and services which are necessary and appropriate to fulfill the clinical, educational, research, and community service missions of the University of North Carolina Health Care System. The board of directors shall submit all initial policies and regulations adopted pursuant to this subsection to the Division of Purchase and Contract for review upon adoption by the board. Any subsequent changes to these policies and regulations adopted by the board shall be submitted to the Division of Purchase and Contract for review. Any comments by the Division of Purchase and Contract shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina.~~

~~(i) Property. The board of directors shall establish rules and regulations for acquiring or disposing of any interest in real property for the use of the University of North Carolina Health Care System. These rules and regulations shall include provisions for development of specifications, advertisement, and negotiations with owners for acquisition by purchase, gift, lease, or rental, but not by condemnation or exercise of eminent domain, on behalf of the University of North Carolina Health Care System. This section does not authorize the board of directors to encumber real property. The board of directors shall submit all initial policies and regulations adopted pursuant to this subsection to the State Property Office for review upon adoption by the board. Any subsequent changes to these policies and regulations adopted by the board shall be submitted to the State Property Office for review. Any comments by the State Property Office shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina. After review by the Attorney General as to form and after the consummation of any such acquisition, the University of North Carolina Health Care System shall promptly file a report concerning the acquisition or disposition with the Governor and Council of State. Acquisitions and dispositions of any interest in real property pursuant to this section shall not be subject to the provisions of Article 36 of Chapter 143 of the General Statutes or the provisions of Chapter 146 of the General Statutes.~~

~~(j) Property Construction. Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the board of directors shall adopt policies and procedures with respect to the design, construction, and renovation of buildings, utilities, and other property developments of the University of North Carolina Health Care System requiring the expenditure of public money for:~~

- ~~(1) Conducting the fee negotiations for all design contracts and supervising the letting of all construction and design contracts.~~
- ~~(2) Performing the duties of the Department of Administration, the Office of State Construction, and the State Building Commission under G.S. 133-1.1(d), Article 8 of Chapter 143 of the General Statutes, and G.S. 143-341(3).~~
- ~~(3) Using open-end design agreements.~~

~~(4) As appropriate, submitting construction documents for review and approval by the Department of Insurance and the Division of Health Service Regulation of the Department of Health and Human Services.~~

~~(5) Using the standard contracts for design and construction currently in use for State capital improvement projects by the Office of State Construction of the Department of Administration.~~

~~The board of directors shall submit all initial policies and procedures adopted under this subsection to the Office of State Construction for review upon adoption by the board. Any subsequent changes to these policies and procedures adopted by the board shall be submitted to the Office of State Construction for review. Any comments by the Office of State Construction shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina.~~

(k) Patient Information. – The University of North Carolina Health Care System shall, at the earliest possible opportunity, specifically make a verbal and written request to each patient to disclose the patient's social security number, if any. If the patient does not disclose that number, the University of North Carolina Health Care System shall deny benefits, rights, and privileges of the University of North Carolina Health Care System to the patient as soon as practical, to the maximum extent permitted by federal law or federal regulations. The University of North Carolina Health Care System shall make the disclosure to the patient required by Section 7(b) of P.L. 93-579. This subsection is supplementary to G.S. 105A-3(c).

(l) Expansion. – The University of North Carolina Health Care System shall not use any funds available to it, whether fees for provision of services, reserves, or assessments of entities affiliated with the system, to expand the geographic areas where it provides services without the specific authorization of the General Assembly. "

SECTION 2. G.S. 116-37.2(b) reads as written:

"(b) The Board of ~~Directors~~ Governors is responsible or may delegate the responsibility to the board of directors of the University of North Carolina Health Care System, as established in G.S. 116-37(b), ~~is responsible~~ for the custody and management of the funds of the University of North Carolina Hospitals at Chapel Hill. The Board of Governors shall adopt or may delegate the authority to the board of directors to adopt uniform policies and procedures applicable to the deposit, investment, and administration of these funds, which shall assure that the receipt and expenditure of such funds is properly authorized and that the funds are appropriately accounted for. The Board of Governors may delegate authority, through the Chief Executive Officer of the University of North Carolina Health Care System to the President of the University of North Carolina Hospitals at Chapel Hill, when such delegation is necessary or prudent to enable the University of North Carolina Hospitals at Chapel Hill to function in a proper and expeditious manner."

SECTION 3. G.S. 116-37.2(h) reads as rewritten:

"(h) The Board of Governors may deposit or invest, or may delegate to the board of directors the authority to deposit or invest, ~~Directors of the University of North Carolina Health Care System may deposit or invest~~ the funds under this section in interest-bearing accounts and other investments in the exercise of its sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries."

SECTION 4. G.S. 143-56 reads as rewritten:

"**§ 143-56. Certain purchases excepted from provisions of Article.**

Unless as may otherwise be ordered by the Secretary of Administration, the purchase of supplies, materials and equipment through the Secretary of Administration shall be mandatory in the following cases:

(1) Published books, manuscripts, maps, pamphlets and periodicals.

(2) Perishable articles such as fresh vegetables, fresh fish, fresh meat, eggs, and others as may be classified by the Secretary of Administration.

Purchase through the Secretary of Administration shall not be mandatory for information technology purchased in accordance with Article 3D of Chapter 147 of the General Statutes, for a purchase of supplies, materials or equipment for the General Assembly if the total expenditures is less than the expenditure benchmark established under the provisions of G.S. 143-53.1, for group purchases made by hospitals, developmental centers, neuromedical treatment centers, and alcohol and drug abuse treatment centers through a competitive bidding purchasing program, as defined in G.S. 143-129, ~~by the University of North Carolina Health Care System pursuant to G.S. 116-37(h), by the University of North Carolina Hospitals at Chapel Hill pursuant to G.S. 116-37(a)(4), by the University of North Carolina at Chapel Hill on behalf of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill pursuant to G.S. 116-37(a)(4),~~ or by East Carolina University on behalf of the Medical Faculty Practice Plan pursuant to G.S. 116-40.6(c).

All purchases of the above articles made directly by the departments, institutions and agencies of the State government shall, whenever possible, be based on competitive bids. Whenever an order is placed or contract awarded for such articles by any of the departments, institutions and agencies of the State government, a copy of such order or contract shall be forwarded to the Secretary of Administration and a record of the competitive bids upon which it was based shall be retained for inspection and review."

SECTION 5. G.S. 146-22(c) reads as rewritten:

"(c) Acquisitions on behalf of ~~the University of North Carolina Health Care System shall be made in accordance with G.S. 116-37(i), acquisitions on behalf of the University of North Carolina Hospitals at Chapel Hill shall be made in accordance with G.S. 116-37(a)(4), acquisitions on behalf of the clinical patient care programs of the School of Medicine of The University of North Carolina at Chapel Hill shall be made in accordance with G.S. 116-37(a)(4), and acquisitions on behalf of~~ the Medical Faculty Practice Plan of the East Carolina University School of Medicine shall be made in accordance with G.S. 116-40.6(d)."

SECTION 6. This act becomes effective October 1, 2012.

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

HB 1073 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PURPOSE OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM, TO INCREASE THE AUTHORITY OF THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS TO GOVERN THE HEALTH CARE SYSTEM, TO REDUCE THE NUMBER AND CHANGE THE COMPOSITION OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE HEALTH CARE SYSTEM, TO INCREASE THE SYSTEM'S ACCOUNTABILITY AND TRANSPARENCY, TO CLARIFY ITS STATUS AS A STATE AGENCY, AND TO LIMIT FUTURE EXPANSION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STATE-OWNED ASSETS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

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

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

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

2012 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SB 876 A BILL TO BE ENTITLED AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS.

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

(FOR JOURNAL USE ONLY)

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 876

Short Title:	Mooresville Deannexation.	(Local)
Sponsors:	Senator Carney.	
Referred to:	State and Local Government.	

May 24, 2012

A BILL TO BE ENTITLED

AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Mooresville are reduced by removing the following two parcels, shown on the Annexation Plat for Morrison Plantation, LLC, dated December 20, 2006, and recorded in the Office of Register of Deeds of Iredell County on July 16, 2007, in Map Book 52 page (slide) 74: (i) property of William Elvin Lawing and wife, Sara King Lawing, DB 644 page 825, Iredell County Registry, PIN # 4637-65-6354, containing 43,056 sf+/-, and (ii) property of Kathryn K. Lawing, DB 541, page 595, Iredell County Registry, PIN # 4637-65-6037, containing 59,309 sf+/-.

SECTION 2. This act becomes effective June 30, 2012.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 1073
PROPOSED COMMITTEE SUBSTITUTE H1073-PCS11387-RC-71

Short Title: Modify UNCHCS Board. (Public)

Sponsors:

Referred to:

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-37(b) reads as rewritten:

"(b) Board of Directors. – ~~There is hereby established a~~ The board of directors of the University of North Carolina Health Care ~~System, effective November 1, 1998.~~System is hereby restructured effective November 1, 2012.

(1) The board of directors shall be composed of 24 members as follows:

a. ~~A minimum of six~~ Eight members ex officio ~~of said board~~ shall be the President of The University of North Carolina (or the President's designee); the Chief Executive Officer of the University of North Carolina Health Care System; the Chancellor of the University of North Carolina at Chapel Hill and one additional administrative officer of the University of North Carolina at Chapel Hill designated by the Chancellor; the President of the University of North Carolina Hospitals; the President of the UNC Faculty Physicians; and two members of the faculty of the School of Medicine of the University of North Carolina at Chapel Hill designated by the Dean of the School of ~~Medicine; provided, that if not such a member ex officio by virtue of holding one or more of the offices aforementioned, additional ex officio memberships shall be held by the President of the University of North Carolina Hospitals at Chapel Hill, the faculty member responsible for leading the clinical patient care programs of the School of Medicine, and~~ Medicine. If the Dean of the School of Medicine of the University of North Carolina at Chapel ~~Hill.~~Hill does not also hold one of the positions designated as an ex officio member of the board, the Dean shall serve in one of the positions reserved for a member of the faculty.

b. ~~No less than nine and no more than 21~~ Sixteen members at ~~large, which number shall be determined by the board of directors,~~ large shall be appointed for four-year terms, commencing on November 1 of the year of ~~appointment; provided, that the initial~~ appointment.

Twelve of the members at large shall be appointed by the Board of Governors after consultation with the President of The University of North Carolina. Four of the members at large shall be appointed by the board of directors.

c. The initial class of at-large members shall ~~include~~ be composed of the following individuals:

1. ~~the~~ The persons who hold the appointed memberships on the board of ~~directors of the University of North Carolina Hospitals at Chapel Hill incumbent as of October 31, 1998,~~ directors as of October 31, 2012, and whose terms do not expire on that date. The ~~with their~~ terms of membership ~~on the board of directors of the University of North Carolina Health Care System to~~ for these at-large members will expire on the last day of October of the year in which their term ~~as a member of the board of directors of the University of North Carolina Hospitals at Chapel Hill~~ would have expired.

2. Three persons appointed by the Board of Governors after consultation with the President of The University of North Carolina whose terms will commence on November 1, 2012, and will expire on October 31, 2016.

3. One person appointed by the board of directors whose term will commence on November 1, 2012, and will expire on October 31, 2016.

The Board of Governors shall appoint successor at-large members for those members whose terms end on October 31, 2013, October 31, 2014, and four of the five members whose terms end on October 31, 2016. The board of directors shall appoint successor at-large members for those members whose terms end on October 31, 2015, and one of the five members whose terms end on October 31, 2016.

d. All ~~Vacant~~ at-large positions shall be filled by the appointment of persons from the business and professional public at large who have special competence in business management, hospital administration, health care delivery, or medical practice or who otherwise have demonstrated dedication to the improvement of health care in North Carolina, and who are neither members of the Board of Governors, members of the board of trustees of a constituent institution of The University of North Carolina, nor officers or employees of the State. ~~Members shall be appointed by the President of the University, and ratified by the Board of Governors, from among a slate of nominations made by the board of directors of the University of North Carolina Health Care System.~~ No member may be appointed to more than two full four-year terms in ~~succession; provided, that persons holding appointed memberships on November 1, 1998, by virtue of their previous membership on the board of directors of the University of North Carolina Hospitals at Chapel Hill, shall not be eligible, for a period of one year following expiration of their term, to be reappointed to the board of directors of the University of North Carolina Health Care System.~~ succession, including members serving as of June 30, 2012. Any vacancy in an unexpired term ~~shall be filled by an appointment made by the President, and ratified by the Board~~

~~of Governors, upon the nomination of the board of directors,~~ shall be filled by the appointing authority for the balance of the term remaining.

(2) The board of directors, with each ex officio and at-large member having a vote, shall elect a chairman only from among the at-large members, for a term of two years. Notwithstanding the foregoing limitation, the Chancellor of the University of North Carolina at Chapel Hill may serve as Chairman. No person shall be eligible to serve as chairman for more than three terms in succession.

(3) The board of directors of the University of North Carolina Health Care System shall meet at least every 60 days and may hold special meetings at any time and place within the State at the call of the chairman. Board members, other than ex officio members, shall receive the same per diem and reimbursement for travel expenses as members of the State boards and commissions generally.

(4) In meeting the patient-care, educational, research, and public-service goals of the University of North Carolina Health Care System, the board of directors is authorized to exercise such authority and responsibility and adopt such policies, rules, and regulations as it deems necessary and appropriate, not inconsistent with the provisions of this section or the policies of the Board of Governors or, to the extent the board's actions affect employees of the University of North Carolina at Chapel Hill, the policies of the University of North Carolina at Chapel Hill. The board may authorize any component of the University of North Carolina Health Care System, including the University of North Carolina Hospitals at Chapel Hill, to contract in its individual capacity, subject to such policies and procedures as the board of directors may direct. The board of directors may enter into formal agreements with the University of North Carolina at Chapel Hill with respect to the provision of clinical experience for students and for the provision of maintenance and supporting services. The board's action on matters within its jurisdiction is final, except that appeals may be made, in writing, to the Board of Governors with a copy of the appeal to the Chancellor of the University of North Carolina at Chapel Hill. The board of directors shall keep the Board of Governors and the board of trustees of the University of North Carolina at Chapel Hill fully informed about health care policy and recommend changes necessary to maintain adequate health care delivery, education, and research for improvement of the health of the citizens of North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 876

Short Title:	Mooresville Deannexation.	(Local)
Sponsors:	Senator Carney.	
Referred to:	State and Local Government.	

May 24, 2012

A BILL TO BE ENTITLED

AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Mooresville are reduced by removing the following two parcels, shown on the Annexation Plat for Morrison Plantation, LLC, dated December 20, 2006, and recorded in the Office of Register of Deeds of Iredell County on July 16, 2007, in Map Book 52 page (slide) 74: (i) property of William Elvin Lawing and wife, Sara King Lawing, DB 644 page 825, Iredell County Registry, PIN # 4637-65-6354, containing 43,056 sf+/-, and (ii) property of Kathryn K. Lawing, DB 541, page 595, Iredell County Registry, PIN # 4637-65-6037, containing 59,309 sf+/-.

SECTION 2. This act becomes effective June 30, 2012.

The University of North Carolina
POST OFFICE BOX 2688, CHAPEL HILL, NC 27515-2688
Telephone: (919) 962-1000 Fax (919) 843-9695

Constituent Universities
Appalachian State University
East Carolina University
Elizabeth City State University
Fayetteville State University
North Carolina Agricultural and Technical State University
North Carolina Central University
North Carolina State University at Raleigh
[illegible] ersity of h Carolina [illegible]sheville
University of North Carolina at Chapel Hill
University of North Carolina at Charlotte
University of North Carolina at Greensboro
University of North Carolina at Pembroke
University of North Carolina at Wilmington
University of North Carolina School of the Arts
Western Carolina University
Winston-Salem [illegible] University
[illegible]uent High School
North Carolina School of Science and Mathematics

An Equal Opportunity/ Affirmative Action Employer

June 26, 2012

The Honorable Tom Apodaca
Room 2010, Legislative Building
Raleigh, NC 27601

The Honorable Harold J. Brubaker
Room 302, Legislative Office Building
Raleigh, NC 27603

Dear Senator Apodaca and Speaker Brubaker:

We want to take this opportunity to thank you for your ongoing support for UNC Health Care.

We support the agreed-upon and attached proposed legislation, sponsored by Representative Moffitt, to strengthen the governance ties between the University of North Carolina Board of Governors and UNC Health Care.

The proposed committee substitute of H1073 gives the Board of Governors more direct board appointment authority to the UNC Health Care Board of Directors and we believe that these changes will help to assure that UNC Healthcare continues to provide much needed, well-managed health care services for the benefit of the citizens of North Carolina and the overall mission of the University.

Sincerely,

Thomas W. Ross Peter Hans William L. Roper

Thomas W. Ross	Peter Hans	William L. Roper, MD, MPH
President,	Chairman	CEO, UNC Health Care
University of North Carolina	UNC Board of Governors	Dean, UNC School of Medicine

cc: Representative Tim D. Moffitt

The University of North Carolina
POST OFFICE BOX 2688, CHAPEL HILL, NC 27515-2688
Telephone: (919) 962-1000 Fax (919) 843-9695

Constituent Universities
Appalachian State University
East Carolina University
Elizabeth City State University
Fayetteville State University
North Carolina Agricultural and Technical State University
North Carolina Central University
North Carolina State University at Raleigh
[illegible]versity of [illegible]th Carolina at Asheville
University of North Carolina at Chapel Hill
University of North Carolina at Charlotte
University of North Carolina at Greensboro
University of North Carolina at Pembroke
University of North Carolina at Wilmington
University of North Carolina School of the Arts
Western Carolina University
Winston-Salem [illegible]e University
[illegible]tituent High School
North Carolina School of Science and Mathematics

An Equal Opportunity/ Affirmative Action Employer

June 26, 2012

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Room 2010, Legislative Building
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Room 302, Legislative Office Building
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We want to take this opportunity to thank you for your ongoing support for UNC Health Care.

We support the agreed-upon and attached proposed legislation, sponsored by Representative Moffitt, to strengthen the governance ties between the University of North Carolina Board of Governors and UNC Health Care.

The proposed committee substitute of H1073 gives the Board of Governors more direct board appointment authority to the UNC Health Care Board of Directors and we believe that these changes will help to assure that UNC Healthcare continues to provide much needed, well-managed health care services for the benefit of the citizens of North Carolina and the overall mission of the University.

Sincerely,

Thomas W. Ross Peter Hans William L. Roper

Thomas W. Ross	Peter Hans	William L. Roper, MD, MPH
President,	Chairman	CEO, UNC Health Care
University of North Carolina	UNC Board of Governors	Dean, UNC School of Medicine

cc: Representative Tim D. Moffitt

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 1073
PROPOSED COMMITTEE SUBSTITUTE H1073-PCS11387-RC-71

Short Title: Modify UNCHCS Board. (Public)

Sponsors:

Referred to:

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-37(b) reads as rewritten:

"(b) Board of Directors. – ~~There is hereby established a~~ The board of directors of the University of North Carolina Health Care ~~System, effective November 1, 1998.~~System is hereby restructured effective November 1, 2012.

(1) The board of directors shall be composed of 24 members as follows:

a. ~~A minimum of six~~ Eight members ex officio ~~of said board~~ shall be the President of The University of North Carolina (or the President's designee); the Chief Executive Officer of the University of North Carolina Health Care System; the Chancellor of the University of North Carolina at Chapel Hill and one additional administrative officer of the University of North Carolina at Chapel Hill designated by the Chancellor; the President of the University of North Carolina Hospitals; the President of the UNC Faculty Physicians; and two members of the faculty of the School of Medicine of the University of North Carolina at Chapel Hill designated by the Dean of the School of ~~Medicine; provided, that if not such a member ex officio by virtue of holding one or more of the offices aforementioned, additional ex officio memberships shall be held by the President of the University of North Carolina Hospitals at Chapel Hill, the faculty member responsible for leading the clinical patient care programs of the School of Medicine, and~~ Medicine. If the Dean of the School of Medicine of the University of North Carolina at Chapel ~~Hill.~~Hill does not also hold one of the positions designated as an ex officio member of the board, the Dean shall serve in one of the positions reserved for a member of the faculty.

b. ~~No less than nine and no more than 21~~ Sixteen members at ~~large, which number shall be determined by the board of directors,~~ large shall be appointed for four-year terms, commencing on November 1 of the year of ~~appointment; provided, that the initial~~ appointment.

Twelve of the members at large shall be appointed by the Board of Governors after consultation with the President of The University of North Carolina. Four of the members at large shall be appointed by the board of directors.

c. The initial class of at-large members shall ~~include~~ be composed of the following individuals:

1. ~~the~~ The persons who hold the appointed memberships on the board of ~~directors of the University of North Carolina Hospitals at Chapel Hill incumbent as of October 31, 1998,~~ directors as of October 31, 2012, and whose terms do not expire on that date. The ~~with their~~ terms of membership ~~on the board of directors of the University of North Carolina Health Care System to~~ for these at-large members will expire on the last day of October of the year in which their term ~~as a member of the board of directors of the University of North Carolina Hospitals at Chapel Hill~~ would have expired.

2. Three persons appointed by the Board of Governors after consultation with the President of The University of North Carolina whose terms will commence on November 1, 2012, and will expire on October 31, 2016.

3. One person appointed by the board of directors whose term will commence on November 1, 2012, and will expire on October 31, 2016.

The Board of Governors shall appoint successor at-large members for those members whose terms end on October 31, 2013, October 31, 2014, and four of the five members whose terms end on October 31, 2016. The board of directors shall appoint successor at-large members for those members whose terms end on October 31, 2015, and one of the five members whose terms end on October 31, 2016.

d. All ~~Vacant~~ at-large positions shall be filled by the appointment of persons from the business and professional public at large who have special competence in business management, hospital administration, health care delivery, or medical practice or who otherwise have demonstrated dedication to the improvement of health care in North Carolina, and who are neither members of the Board of Governors, members of the board of trustees of a constituent institution of The University of North Carolina, nor officers or employees of the State. ~~Members shall be appointed by the President of the University, and ratified by the Board of Governors, from among a slate of nominations made by the board of directors of the University of North Carolina Health Care System.~~ No member may be appointed to more than two full four-year terms in ~~succession; provided, that persons holding appointed memberships on November 1, 1998, by virtue of their previous membership on the board of directors of the University of North Carolina Hospitals at Chapel Hill, shall not be eligible, for a period of one year following expiration of their term, to be reappointed to the board of directors of the University of North Carolina Health Care System.~~succession, including members serving as of June 30, 2012. Any vacancy in an unexpired term ~~shall be filled by an appointment made by the President, and ratified by the Board~~

~~of Governors, upon the nomination of the board of directors,~~shall be filled by the appointing authority for the balance of the term remaining.

(2) The board of directors, with each ex officio and at-large member having a vote, shall elect a chairman only from among the at-large members, for a term of two years. Notwithstanding the foregoing limitation, the Chancellor of the University of North Carolina at Chapel Hill may serve as Chairman. No person shall be eligible to serve as chairman for more than three terms in succession.

(3) The board of directors of the University of North Carolina Health Care System shall meet at least every 60 days and may hold special meetings at any time and place within the State at the call of the chairman. Board members, other than ex officio members, shall receive the same per diem and reimbursement for travel expenses as members of the State boards and commissions generally.

(4) In meeting the patient-care, educational, research, and public-service goals of the University of North Carolina Health Care System, the board of directors is authorized to exercise such authority and responsibility and adopt such policies, rules, and regulations as it deems necessary and appropriate, not inconsistent with the provisions of this section or the policies of the Board of Governors or, to the extent the board's actions affect employees of the University of North Carolina at Chapel Hill, the policies of the University of North Carolina at Chapel Hill. The board may authorize any component of the University of North Carolina Health Care System, including the University of North Carolina Hospitals at Chapel Hill, to contract in its individual capacity, subject to such policies and procedures as the board of directors may direct. The board of directors may enter into formal agreements with the University of North Carolina at Chapel Hill with respect to the provision of clinical experience for students and for the provision of maintenance and supporting services. The board's action on matters within its jurisdiction is final, except that appeals may be made, in writing, to the Board of Governors with a copy of the appeal to the Chancellor of the University of North Carolina at Chapel Hill. The board of directors shall keep the Board of Governors and the board of trustees of the University of North Carolina at Chapel Hill fully informed about health care policy and recommend changes necessary to maintain adequate health care delivery, education, and research for improvement of the health of the citizens of North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 1073
PROPOSED COMMITTEE SUBSTITUTE H1073-PCS11387-RC-71

Short Title: Modify UNCHCS Board. (Public)

Sponsors:

Referred to:

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-37(b) reads as rewritten:

"(b) Board of Directors. – ~~There is hereby established a~~ The board of directors of the University of North Carolina Health Care ~~System, effective November 1, 1998.~~System is hereby restructured effective November 1, 2012.

(1) The board of directors shall be composed of 24 members as follows:

a. ~~A minimum of six~~ Eight members ex officio ~~of said board~~ shall be the President of The University of North Carolina (or the President's designee); the Chief Executive Officer of the University of North Carolina Health Care System; the Chancellor of the University of North Carolina at Chapel Hill and one additional administrative officer of the University of North Carolina at Chapel Hill designated by the Chancellor; the President of the University of North Carolina Hospitals; the President of the UNC Faculty Physicians; and two members of the faculty of the School of Medicine of the University of North Carolina at Chapel Hill designated by the Dean of the School of ~~Medicine; provided, that if not such a member ex officio by virtue of holding one or more of the offices aforementioned, additional ex officio memberships shall be held by the President of the University of North Carolina Hospitals at Chapel Hill, the faculty member responsible for leading the clinical patient care programs of the School of Medicine, and~~ Medicine. If the Dean of the School of Medicine of the University of North Carolina at Chapel ~~Hill.~~Hill does not also hold one of the positions designated as an ex officio member of the board, the Dean shall serve in one of the positions reserved for a member of the faculty.

b. ~~No less than nine and no more than 21~~ Sixteen members at ~~large, which number shall be determined by the board of directors,~~ large shall be appointed for four-year terms, commencing on November 1 of the year of ~~appointment; provided, that the initial~~ appointment.

Twelve of the members at large shall be appointed by the Board of Governors after consultation with the President of The University of North Carolina. Four of the members at large shall be appointed by the board of directors.

c. The initial class of at-large members shall ~~include~~ be composed of the following individuals:

1. ~~the~~ The persons who hold the appointed memberships on the board of ~~directors of the University of North Carolina Hospitals at Chapel Hill incumbent as of October 31, 1998,~~ directors as of October 31, 2012, and whose terms do not expire on that date. The ~~with their~~ terms of membership ~~on the board of directors of the University of North Carolina Health Care System to~~ for these at-large members will expire on the last day of October of the year in which their term ~~as a member of the board of directors of the University of North Carolina Hospitals at Chapel Hill~~ would have expired.
2. Three persons appointed by the Board of Governors after consultation with the President of The University of North Carolina whose terms will commence on November 1, 2012, and will expire on October 31, 2016.
3. One person appointed by the board of directors whose term will commence on November 1, 2012, and will expire on October 31, 2016.

The Board of Governors shall appoint successor at-large members for those members whose terms end on October 31, 2013, October 31, 2014, and four of the five members whose terms end on October 31, 2016. The board of directors shall appoint successor at-large members for those members whose terms end on October 31, 2015, and one of the five members whose terms end on October 31, 2016.

d. All ~~Vacant~~ at-large positions shall be filled by the appointment of persons from the business and professional public at large who have special competence in business management, hospital administration, health care delivery, or medical practice or who otherwise have demonstrated dedication to the improvement of health care in North Carolina, and who are neither members of the Board of Governors, members of the board of trustees of a constituent institution of The University of North Carolina, nor officers or employees of the State. ~~Members shall be appointed by the President of the University, and ratified by the Board of Governors, from among a slate of nominations made by the board of directors of the University of North Carolina Health Care System.~~ No member may be appointed to more than two full four-year terms in ~~succession; provided, that persons holding appointed memberships on November 1, 1998, by virtue of their previous membership on the board of directors of the University of North Carolina Hospitals at Chapel Hill, shall not be eligible, for a period of one year following expiration of their term, to be reappointed to the board of directors of the University of North Carolina Health Care System.~~succession, including members serving as of June 30, 2012. Any vacancy in an unexpired term ~~shall be filled by an appointment made by the President, and ratified by the Board~~

~~of Governors, upon the nomination of the board of directors,~~shall be filled by the appointing authority for the balance of the term remaining.

(2) The board of directors, with each ex officio and at-large member having a vote, shall elect a chairman only from among the at-large members, for a term of two years. Notwithstanding the foregoing limitation, the Chancellor of the University of North Carolina at Chapel Hill may serve as Chairman. No person shall be eligible to serve as chairman for more than three terms in succession.

(3) The board of directors of the University of North Carolina Health Care System shall meet at least every 60 days and may hold special meetings at any time and place within the State at the call of the chairman. Board members, other than ex officio members, shall receive the same per diem and reimbursement for travel expenses as members of the State boards and commissions generally.

(4) In meeting the patient-care, educational, research, and public-service goals of the University of North Carolina Health Care System, the board of directors is authorized to exercise such authority and responsibility and adopt such policies, rules, and regulations as it deems necessary and appropriate, not inconsistent with the provisions of this section or the policies of the Board of Governors or, to the extent the board's actions affect employees of the University of North Carolina at Chapel Hill, the policies of the University of North Carolina at Chapel Hill. The board may authorize any component of the University of North Carolina Health Care System, including the University of North Carolina Hospitals at Chapel Hill, to contract in its individual capacity, subject to such policies and procedures as the board of directors may direct. The board of directors may enter into formal agreements with the University of North Carolina at Chapel Hill with respect to the provision of clinical experience for students and for the provision of maintenance and supporting services. The board's action on matters within its jurisdiction is final, except that appeals may be made, in writing, to the Board of Governors with a copy of the appeal to the Chancellor of the University of North Carolina at Chapel Hill. The board of directors shall keep the Board of Governors and the board of trustees of the University of North Carolina at Chapel Hill fully informed about health care policy and recommend changes necessary to maintain adequate health care delivery, education, and research for improvement of the health of the citizens of North Carolina."

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

HOUSE BILL 1073

Short Title:	UNCHCS Changes.	(Public)
Sponsors:	Representative Moffitt (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Health and Human Services.	

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PURPOSE OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM, TO INCREASE THE AUTHORITY OF THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS TO GOVERN THE HEALTH CARE SYSTEM, TO REDUCE THE NUMBER AND CHANGE THE COMPOSITION OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE HEALTH CARE SYSTEM, TO INCREASE THE SYSTEM'S ACCOUNTABILITY AND TRANSPARENCY, TO CLARIFY ITS STATUS AS A STATE AGENCY, AND TO LIMIT FUTURE EXPANSION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STATE-OWNED ASSETS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-37 reads as rewritten:

"**§ 116-37. University of North Carolina Health Care System.**

(a) Creation of System. –

(1) There is hereby established the University of North Carolina Health Care System, effective November 1, 1998, which shall be ~~governed and administered as~~ an affiliated enterprise of The University of North Carolina governed by the Board of Governors and administered by the board of directors created in subsection (b) of this section. Consistent with State statutes and policy and without unduly competing with non-State-owned health care systems, the purpose of the University of North Carolina Health Care System is to ~~in accordance with the provisions of this section, to provide patient care, facilitate the education of physicians and other health care providers, conduct research collaboratively with the health sciences schools of the University of North Carolina at Chapel Hill, and render other services designed to promote the health and well-being of the citizens of North Carolina.~~ meet the goals of education, research, patient care, and community service.

(2) As of November 1, 1998, all of the rights, privileges, liabilities, and obligations of the board of directors of the University of North Carolina Hospitals at Chapel Hill, not inconsistent with the provisions of this section, shall be transferred to and assumed by the board of directors of the University of North Carolina Health Care System.

(3) The University of North Carolina Hospitals at Chapel Hill and the clinical patient care programs established or maintained by the School of Medicine

of the University of North Carolina at Chapel Hill shall be governed by the Board of Governors and administered by the board of directors of the University of North Carolina Health Care System.

(4) With respect to the provisions of subsections (d), (e), (f), ~~(h), (i), (j),~~ and (k) of this section, the ~~board of directors~~ Board of Governors may adopt or may delegate to the board of directors the authority to adopt policies that make the authorities and responsibilities established by one or more of said subsections applicable to the University of North Carolina Hospitals at Chapel Hill, to the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill, to both, or to other persons or entities affiliated with or under the control of the University of North Carolina Health Care System.

(5) To effect an orderly transition, the policies and procedures of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill and of the University of North Carolina Hospitals at Chapel Hill effective as of October 31, 1998, shall remain effective in accordance with their terms until changed by the Board of Directors of the University of North Carolina Health Care System.

(b) Board of Directors. ~~There is hereby established a board of directors of the University of North Carolina Health Care System, effective November 1, 1998.~~ The Board of Governors of The University of North Carolina is directed to reconstitute the board of directors for the University of North Carolina Health Care System, effective November 1, 2012.

(1) The reconstituted board of directors shall be composed of 12 members as follows:

a. ~~A minimum of six~~ Three members ex officio of said board shall be ~~the President of The University of North Carolina (or the President's designee);~~ the State Treasurer or the Treasurer's designee; the Chief Executive Officer of the University of North Carolina Health Care System; ~~the Chancellor of the University of North Carolina at Chapel Hill and one additional administrative officer of the University of North Carolina at Chapel Hill designated by the Chancellor; and two members of the faculty of the~~ and the Dean of the School of Medicine of the University of North Carolina at Chapel ~~Hill designated by the Dean of the School of Medicine;~~ Hill; provided, that if the Dean is already ~~not such~~ a member ex officio by virtue of holding one or more of the offices aforementioned, ~~additional ex officio memberships shall be held by the President of the University of North Carolina Hospitals at Chapel Hill,~~ the faculty member responsible for leading the clinical patient care programs of the School of ~~Medicine, and the Dean of the School of Medicine of the University of North Carolina at Chapel Hill.~~ Medicine shall serve as the third member ex officio.

b. ~~No less than nine and no more than 21~~ Nine members at ~~large, which number shall be determined by the board of directors,~~ large who shall be appointed by the Board of Governors for four-year terms, commencing on November 1 of the year of ~~appointment; provided, that~~ appointment. In order to effectuate staggered terms and to provide continuity of board membership, a minimum of five members of the initial class of at-large members of the reconstituted board shall ~~include~~ be selected by the Board of Governors from the persons who hold the appointed memberships on the board of

directors of the University of North Carolina ~~Hospitals at Chapel Hill~~Health Care System incumbent as of October 31, ~~1998~~2012, whose terms shall expire on October 31, 2014. ~~with their terms of membership on the board of directors of the University of North Carolina Health Care System to expire on the last day of October of the year in which their term as a member of the board of directors of the University of North Carolina Hospitals at Chapel Hill would have expired.~~The Board of Governors shall appoint individuals to the remaining at-large positions of the reconstituted board whose terms shall expire on October 31, 2016. ~~Vacant~~As the terms of the initial at-large members of the reconstituted board expire, the Board of Governors shall appoint individuals to fill the vacant at-large positions ~~shall be filled by the appointment of persons~~ from the business and professional public at large who have special competence in business management, hospital administration, health care delivery, or medical practice or who otherwise have demonstrated dedication to the improvement of health care in North Carolina, and who are neither members of the Board of Governors, members of the board of trustees of a constituent institution of The University of North Carolina, nor officers or employees of the State. ~~Members shall be appointed by the President of the University, and ratified by the Board of Governors, from among a slate of nominations made by the board of directors of the University of North Carolina Health Care System.~~ No member may be appointed to more than two full four-year terms in succession; provided, that persons holding appointed memberships on November 1, ~~1998~~2012, by virtue of their previous membership on the board of directors of the University of North Carolina ~~Hospitals at Chapel Hill,~~ Health Care System on October 31, 2012, shall not be ~~eligible, for a period of one year following expiration of their term,~~ eligible to be reappointed to the board of directors of the University of North Carolina Health Care System. Any vacancy in an unexpired term shall be filled by an appointment made by ~~the President, and ratified by~~ the Board of ~~Governors, upon the nomination of the board of directors,~~Governors for the balance of the term remaining.

(2) The board of directors, with each ex officio and at-large member having a vote, shall elect a chairman only from among the at-large members, for a term of two years. ~~Notwithstanding the foregoing limitation, the Chancellor of the University of North Carolina at Chapel Hill may serve as Chairman.~~ No person shall be eligible to serve as chairman for more than three terms in succession.

(3) The board of directors of the University of North Carolina Health Care System shall meet at least every 60 days and may hold special meetings at any time and place within the State at the call of the chairman. Board members, other than ex officio members, shall receive the same per diem and reimbursement for travel expenses as members of the State boards and commissions generally.

(4) In meeting the patient-care, educational, research, and public-service goals of the University of North Carolina Health Care System, the Board of Governors ~~board of directors~~ is authorized or may delegate to the board of directors the authority to ~~exercise such authority and responsibility to~~ adopt

policies, rules, and regulations that are ~~as it deems~~ necessary and appropriate, not inconsistent with the provisions of this section or the policies of the Board of Governors or, to the extent the ~~board's~~ actions affect employees of the University of North Carolina at Chapel Hill, not inconsistent with the policies of the University of North Carolina at Chapel Hill. The Board of Governors ~~board~~ may authorize or may delegate to the board of directors the authority to authorize any component of the University of North Carolina Health Care System, including the University of North Carolina Hospitals at Chapel Hill, to contract in its individual capacity, subject to such policies and procedures as the board of directors may direct. The board of directors may enter into formal agreements with the University of North Carolina at Chapel Hill with respect to the provision of clinical experience for students and for the provision of maintenance and supporting services. The board's action on matters within its jurisdiction is final, except that appeals may be made, in writing, to the Board of Governors with a copy of the appeal to the Chancellor of the University of North Carolina at Chapel Hill. The board of directors shall keep the Board of Governors and the board of trustees of the University of North Carolina at Chapel Hill fully informed about health care policy and recommend changes necessary to maintain adequate health care delivery, education, and research for improvement of the health of the citizens of North Carolina.

(c) Officers. –

(1) The executive and administrative head of the University of North Carolina Health Care System shall have the title of "Chief Executive Officer." The board of directors, the board of trustees, and the Chancellor of the University of North Carolina at Chapel Hill, following such search process as the boards and the Chancellor deem appropriate, shall identify two or more persons as candidates for the office, who, pursuant to criteria agreed upon by the boards and the Chancellor, have the qualifications for both the positions of Chief Executive Officer of the University of North Carolina Health Care System and Vice-Chancellor for Medical Affairs of the University of North Carolina at Chapel Hill. The names of the candidates so identified, once approved by the board of directors and the board of trustees, shall be forwarded by the Chancellor to the President of The University of North Carolina, who if satisfied with the quality of one or more of the candidates, will nominate one as Chief Executive Officer, subject to selection by the Board of Governors. The individual serving as Chief Executive Officer shall have complete executive and administrative authority to formulate proposals for, recommend the adoption of, and implement policies governing the programs and activities of the University of North Carolina Health Care System, subject to all requirements of the board of directors. That same individual, when serving as Vice-Chancellor for Medical Affairs, shall have all authorities, rights, and responsibilities of a vice-chancellor of the University of North Carolina at Chapel Hill.

(2) The executive and administrative head of the University of North Carolina Hospitals at Chapel Hill shall have the title of "President of the University of North Carolina Hospitals at Chapel Hill."

(3) The board of directors shall elect, on nomination of the Chief Executive Officer, the President of the University of North Carolina Hospitals at Chapel Hill, and such additional administrative and professional staff employees of the University of North Carolina Health Care System as may

be deemed necessary to assist in fulfilling the duties of the office of the Chief Executive Officer, all of whom shall serve at the pleasure of the Chief Executive Officer.

(d) Personnel. – Employees of the University of North Carolina Health Care System shall be deemed to be employees of the State and shall be subject to all provisions of State law relevant thereto; provided, however, that except as to the provisions of Articles 5, 6, 7, and 14 of Chapter 126 of the General Statutes, the provisions of Chapter 126 shall not apply to employees of the University of North Carolina Health Care System, and the policies and procedures governing the terms and conditions of employment of such employees shall be adopted by the board of directors; provided, that with respect to such employees as may be members of the faculty of the University of North Carolina at Chapel Hill, no such policies and procedures may be inconsistent with policies established by, or adopted pursuant to delegation from, the Board of Governors of The University of North Carolina.

(1) The ~~board of directors~~ Board of Governors shall fix or approve or may delegate to the board of directors the authority to fix or approve the schedules of pay, expense allowances, and other compensation and adopt position classification plans for employees of the University of North Carolina Health Care System.

(2) The ~~board of directors~~ Board of Governors may adopt or provide or may delegate to the board of directors the authority to adopt or provide for rules and regulations concerning, but not limited to, annual leave, sick leave, special leave with full pay or with partial pay supplementing workers' compensation payments for employees injured in accidents arising out of and in the course of employment, working conditions, service awards and incentive award programs, grounds for dismissal, demotion, or discipline, other personnel policies, and any other measures that promote the hiring and retention of capable, diligent, and effective career employees. However, an employee who has achieved career State employee status as defined by G.S. 126-1.1 by October 31, 1998, shall not have his or her compensation reduced as a result of this subdivision. Further, an employee who has achieved career State employee status as defined by G.S. 126-1.1 by October 31, 1998, shall be subject to the rules regarding discipline or discharge that were effective on October 31, 1998, and shall not be subject to the rules regarding discipline or discharge adopted after October 31, 1998.

(3) The ~~board of directors~~Board of Governors may prescribe or may delegate to the board of directors the authority to prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the University of North Carolina Health Care System.

(4) The ~~board of directors~~Board of Governors may establish or may delegate to the board of directors the authority to establish boards, committees, or councils to conduct hearings upon the appeal of employees who have been suspended, demoted, otherwise disciplined, or discharged, to hear employee grievances, or to undertake any other duties relating to personnel administration that the board of directors may direct.

The board of directors shall submit all initial classification and pay plans and other rules and regulations adopted pursuant to subdivisions (1) through (4) of this subsection to the Office of State Personnel for review upon adoption by the board. Any subsequent changes to these plans, rules, and policies ~~adopted by the board~~ shall be submitted to the Office of State Personnel for review. Any comments by the Office of State Personnel shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina.

(e) Finances. – The University of North Carolina Health Care System shall be subject to the provisions of the State Budget ~~Act, except for trust funds as provided in G.S. 116-36.1 and G.S. 116-37.2.~~ Act. The Chief Executive Officer, subject to the ~~board of directors,~~ Board of Governors, shall be responsible for all aspects of budget preparation, budget execution, and expenditure reporting. All operating funds of the University of North Carolina Health Care System may be budgeted and disbursed through special fund codes, maintaining separate auditable accounts for the University of North Carolina Hospitals at Chapel Hill and the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill. All receipts of the University of North Carolina Health Care System may be deposited directly to the special fund codes, and except for General Fund appropriations, all receipts of the University of North Carolina Hospitals at Chapel Hill may be invested pursuant to G.S. 116-37.2(h). General Fund appropriations for support of the University of North Carolina Hospitals at Chapel Hill shall be budgeted in a General Fund code under a single purpose, "Contribution to University of North Carolina Hospitals at Chapel Hill Operations" and be transferable to a special fund operating code as receipts.

(f) Finances – Patient/Health Care System Benefit. – The Chief Executive Officer of the University of North Carolina Health Care System, or the Chief Executive Officer's designee, may expend operating budget funds, including State funds, of the University of North Carolina Health Care System for the direct benefit of a patient, when, in the judgment of the Chief Executive Officer or the Chief Executive Officer's designee, the expenditure of these funds would result in a financial benefit to the University of North Carolina Health Care System. Any such expenditures are declared to result in the provision of medical services and create charges of the University of North Carolina Health Care System for which the health care system may bill and pursue recovery in the same way as allowed by law for recovery of other health care systems' charges for services that are unpaid.

These expenditures shall be restricted (i) to situations in which a patient is financially unable to afford ambulance or other transportation for discharge; (ii) to afford placement in an after-care facility; (iii) to assure availability of a bed in an after-care facility after discharge from the hospitals; (iv) to secure equipment or other medically appropriate services after discharge; or (v) to pay health insurance premiums. The Chief Executive Officer or the Chief Executive Officer's designee shall reevaluate at least once a month the cost-effectiveness of any continuing payment on behalf of a patient.

To the extent that the University of North Carolina Health Care System advances anticipated government entitlement benefits for a patient's benefit, for which the patient later receives a lump-sum "back-pay" award from an agency of the State, whether for the current admission or subsequent admission, the State agency shall withhold from this back pay an amount equal to the sum advanced on the patient's behalf by the University of North Carolina Health Care System, if, prior to the disbursement of the back pay, the applicable State program has received notice from the University of North Carolina Health Care System of the advancement.

(f1) Provision of Indigent Care. – The University of North Carolina Health Care System shall provide a proportionate share of the indigent care, as compared with non-State-owned health care systems, in each county where it provides medical services. By July 1, 2013, the Board of Governors, in conjunction with the North Carolina Hospital Association, shall develop methods to measure the provision of indigent care services that allow for direct and accurate comparison between health care systems.

(g) Reports. – The Chief Executive Officer ~~and the President of The University of North Carolina jointly~~ shall report by September 30 of each year on the operations and financial affairs of the University of North Carolina Health Care System to the Board of Governors. The Board of Governors shall report by November 30 of each year on the operations and financial affairs of the University of North Carolina Health Care System to the

Joint Legislative Commission on Governmental Operations. The report shall include the actions taken by the Board of Governors or the board of directors under the authority granted in ~~subsections (d), (h), (i), and (j)~~ subsection (d) of this section.

All nonprofit corporations that are part of the University of North Carolina Health Care System must complete an Internal Revenue Service Form 990 annually and submit a copy to the Board of Governors.

~~(h) Purchases. Notwithstanding the provisions of Articles 3, 3A, and 3C of Chapter 143 of the General Statutes to the contrary, the board of directors shall establish policies and regulations governing the purchasing requirements of the University of North Carolina Health Care System. These policies and regulations shall provide for requests for proposals, competitive bidding, or purchasing by means other than competitive bidding, contract negotiations, and contract awards for purchasing supplies, materials, equipment, and services which are necessary and appropriate to fulfill the clinical, educational, research, and community service missions of the University of North Carolina Health Care System. The board of directors shall submit all initial policies and regulations adopted pursuant to this subsection to the Division of Purchase and Contract for review upon adoption by the board. Any subsequent changes to these policies and regulations adopted by the board shall be submitted to the Division of Purchase and Contract for review. Any comments by the Division of Purchase and Contract shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina.~~

~~(i) Property. The board of directors shall establish rules and regulations for acquiring or disposing of any interest in real property for the use of the University of North Carolina Health Care System. These rules and regulations shall include provisions for development of specifications, advertisement, and negotiations with owners for acquisition by purchase, gift, lease, or rental, but not by condemnation or exercise of eminent domain, on behalf of the University of North Carolina Health Care System. This section does not authorize the board of directors to encumber real property. The board of directors shall submit all initial policies and regulations adopted pursuant to this subsection to the State Property Office for review upon adoption by the board. Any subsequent changes to these policies and regulations adopted by the board shall be submitted to the State Property Office for review. Any comments by the State Property Office shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina. After review by the Attorney General as to form and after the consummation of any such acquisition, the University of North Carolina Health Care System shall promptly file a report concerning the acquisition or disposition with the Governor and Council of State. Acquisitions and dispositions of any interest in real property pursuant to this section shall not be subject to the provisions of Article 36 of Chapter 143 of the General Statutes or the provisions of Chapter 146 of the General Statutes.~~

~~(j) Property Construction. Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the board of directors shall adopt policies and procedures with respect to the design, construction, and renovation of buildings, utilities, and other property developments of the University of North Carolina Health Care System requiring the expenditure of public money for:~~

~~(1) Conducting the fee negotiations for all design contracts and supervising the letting of all construction and design contracts.~~

~~(2) Performing the duties of the Department of Administration, the Office of State Construction, and the State Building Commission under G.S. 133-1.1(d), Article 8 of Chapter 143 of the General Statutes, and G.S. 143-341(3).~~

~~(3) Using open-end design agreements.~~

~~(4) As appropriate, submitting construction documents for review and approval by the Department of Insurance and the Division of Health Service Regulation of the Department of Health and Human Services.~~

~~(5) Using the standard contracts for design and construction currently in use for State capital improvement projects by the Office of State Construction of the Department of Administration.~~

~~The board of directors shall submit all initial policies and procedures adopted under this subsection to the Office of State Construction for review upon adoption by the board. Any subsequent changes to these policies and procedures adopted by the board shall be submitted to the Office of State Construction for review. Any comments by the Office of State Construction shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina.~~

(k) Patient Information. – The University of North Carolina Health Care System shall, at the earliest possible opportunity, specifically make a verbal and written request to each patient to disclose the patient's social security number, if any. If the patient does not disclose that number, the University of North Carolina Health Care System shall deny benefits, rights, and privileges of the University of North Carolina Health Care System to the patient as soon as practical, to the maximum extent permitted by federal law or federal regulations. The University of North Carolina Health Care System shall make the disclosure to the patient required by Section 7(b) of P.L. 93-579. This subsection is supplementary to G.S. 105A-3(c).

(l) Expansion. – The University of North Carolina Health Care System shall not use any funds available to it, whether fees for provision of services, reserves, or assessments of entities affiliated with the system, to expand the geographic areas where it provides services without the specific authorization of the General Assembly. "

SECTION 2. G.S. 116-37.2(b) reads as written:

"(b) The Board of ~~Directors~~ Governors is responsible or may delegate the responsibility to the board of directors of the University of North Carolina Health Care System, as established in G.S. 116-37(b), ~~is responsible~~ for the custody and management of the funds of the University of North Carolina Hospitals at Chapel Hill. The Board of Governors shall adopt or may delegate the authority to the board of directors to adopt uniform policies and procedures applicable to the deposit, investment, and administration of these funds, which shall assure that the receipt and expenditure of such funds is properly authorized and that the funds are appropriately accounted for. The Board of Governors may delegate authority, through the Chief Executive Officer of the University of North Carolina Health Care System to the President of the University of North Carolina Hospitals at Chapel Hill, when such delegation is necessary or prudent to enable the University of North Carolina Hospitals at Chapel Hill to function in a proper and expeditious manner."

SECTION 3. G.S. 116-37.2(h) reads as rewritten:

"(h) The Board of Governors may deposit or invest, or may delegate to the board of directors the authority to deposit or invest, ~~Directors of the University of North Carolina Health Care System may deposit or invest~~ the funds under this section in interest-bearing accounts and other investments in the exercise of its sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries."

SECTION 4. G.S. 143-56 reads as rewritten:

"**§ 143-56. Certain purchases excepted from provisions of Article.**

Unless as may otherwise be ordered by the Secretary of Administration, the purchase of supplies, materials and equipment through the Secretary of Administration shall be mandatory in the following cases:

(1) Published books, manuscripts, maps, pamphlets and periodicals.

(2) Perishable articles such as fresh vegetables, fresh fish, fresh meat, eggs, and others as may be classified by the Secretary of Administration.

Purchase through the Secretary of Administration shall not be mandatory for information technology purchased in accordance with Article 3D of Chapter 147 of the General Statutes, for a purchase of supplies, materials or equipment for the General Assembly if the total expenditures is less than the expenditure benchmark established under the provisions of G.S. 143-53.1, for group purchases made by hospitals, developmental centers, neuromedical treatment centers, and alcohol and drug abuse treatment centers through a competitive bidding purchasing program, as defined in G.S. 143-129, ~~by the University of North Carolina Health Care System pursuant to G.S. 116-37(h), by the University of North Carolina Hospitals at Chapel Hill pursuant to G.S. 116-37(a)(4), by the University of North Carolina at Chapel Hill on behalf of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill pursuant to G.S. 116-37(a)(4),~~ or by East Carolina University on behalf of the Medical Faculty Practice Plan pursuant to G.S. 116-40.6(c).

All purchases of the above articles made directly by the departments, institutions and agencies of the State government shall, whenever possible, be based on competitive bids. Whenever an order is placed or contract awarded for such articles by any of the departments, institutions and agencies of the State government, a copy of such order or contract shall be forwarded to the Secretary of Administration and a record of the competitive bids upon which it was based shall be retained for inspection and review."

SECTION 5. G.S. 146-22(c) reads as rewritten:

"(c) Acquisitions on behalf of ~~the University of North Carolina Health Care System shall be made in accordance with G.S. 116-37(i), acquisitions on behalf of the University of North Carolina Hospitals at Chapel Hill shall be made in accordance with G.S. 116-37(a)(4), acquisitions on behalf of the clinical patient care programs of the School of Medicine of The University of North Carolina at Chapel Hill shall be made in accordance with G.S. 116-37(a)(4), and acquisitions on behalf of~~ the Medical Faculty Practice Plan of the East Carolina University School of Medicine shall be made in accordance with G.S. 116-40.6(d)."

SECTION 6. This act becomes effective October 1, 2012.

2012 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☐ Committee Substitute for

SB 876 A BILL TO BE ENTITLED AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 876

Short Title:	Mooresville Deannexation.	(Local)
Sponsors:	Senator Carney.	
Referred to:	State and Local Government.	

May 24, 2012

A BILL TO BE ENTITLED

AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Mooresville are reduced by removing the following two parcels, shown on the Annexation Plat for Morrison Plantation, LLC, dated December 20, 2006, and recorded in the Office of Register of Deeds of Iredell County on July 16, 2007, in Map Book 52 page (slide) 74: (i) property of William Elvin Lawing and wife, Sara King Lawing, DB 644 page 825, Iredell County Registry, PIN # 4637-65-6354, containing 43,056 sf+/-, and (ii) property of Kathryn K. Lawing, DB 541, page 595, Iredell County Registry, PIN # 4637-65-6037, containing 59,309 sf+/-.

SECTION 2. This act becomes effective June 30, 2012.

VISITOR REGISTRATION SHEET

Rules — Name of Committee

6-26-12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David McGowan	NCAR
Kelly Nicholson	UNCHC
JP Lanier	NELSON MULLINS
PB P	NC
[illegible]	BCBSNC
[illegible]	[illegible]
Meg Miller	KLG
Jennifer Epperson	NC DOJ
[illegible]	Duke
Allison Waller	Nelson Mullins
Sarah Wolfe	McGuireWoods

VISITOR REGISTRATION SHEET

Rules — 6-26-12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAVID RICE	MFS
Matthew Eisley	SA
David Knight	DENR
Clare Fitzgerald	DENR
Kari Burgess	DENR
Robin Smith	DENR
Elise Quick	Triangle Solar
Daniel Baum	" "
Kate Bastmar	" "
Erica Nelson	NC HA
Dana Fenton	CLT

VISITOR REGISTRATION SHEET

Rules
Name of Committee

6-26-12
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cady Thomas	NCAR
Cady 2	The people
Doug Hebron	WM
BB Nibley	WM
Ryf Elk	NCAR
Ellen Hamick	CRL
Jh Polinsky	NCAR
William Jones	Jordan, Price
Sarah Preston	ACLU-NC
John Tucker	Moore & Van Allen
Tammy Sevier	"

VISITOR REGISTRATION SHEET

Rules
Name of Committee

6-26-12
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bo Heath	McGuireWoods
Ken Melton	K.M.A.
Mitch Leonard	SEANC
K Bestman	TSS

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 27, 2012

The Committee on Rules, Calendar and Operations of the House met on June 27, 2012 at 12:12 p.m. in room 643 of the Legislative Office Building. The following members were present: Representative Moore and LaRoque, Chairman, Representative Owens, Vice Chair, Representatives Blust, Folwell, Gillespie, Hackney, Jeffus, Johnson, Luebke, Moffitt, Parmon, and Saine.

Chairman LaRoque presided.

The following bill was considered:

HR 1073 UNCHCS Changes. (Representative Moffitt, Primary Sponsor) Chairman LaRoque picked up the bill from the last meeting. The PCS was before the committee. Chairman LaRoque recognized Representative Moffitt explained the Bill. No discussion and debate on the Bill. Representative Blust motioned for a favorable report as to the PCS and unfavorable to the original. Vote was called and the motion passed.

Representative LaRoque adjourned at 12:15 p.m.

Respectfully submitted:

Representative LaRoque
Chairman

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

m:	Nancy Garriss (Rep. Tim Moore)
...t:	Tuesday, June 26, 2012 9:45 AM
To:	Rep. Tim Moffitt
Cc:	Melissa Carter (Rep. Moffitt)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 06-27-2012 at 15 minutes after session

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 27, 2012
TIME: 15 minutes after session
LOCATION: 1327 LB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1073	UNCHCS Changes.	Representative Moffitt

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **June 26, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 27, 2012
TIME: 12:00 pm
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1073	UNCHCS Changes.	Representative Moffitt

Respectfully,
Representative T. Moore, Chair
Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **June 27, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Kennedy (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 1073
PROPOSED COMMITTEE SUBSTITUTE H1073-PCS11387-RC-71

Short Title: Modify UNCHCS Board. (Public)

Sponsors:

Referred to:

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-37(b) reads as rewritten:

"(b) Board of Directors. – ~~There is hereby established a~~ The board of directors of the University of North Carolina Health Care ~~System, effective November 1, 1998.~~System is hereby restructured effective November 1, 2012.

(1) The board of directors shall be composed of 24 members as follows:

a. ~~A minimum of six~~ Eight members ex officio ~~of said board~~ shall be the President of The University of North Carolina (or the President's designee); the Chief Executive Officer of the University of North Carolina Health Care System; the Chancellor of the University of North Carolina at Chapel Hill and one additional administrative officer of the University of North Carolina at Chapel Hill designated by the Chancellor; the President of the University of North Carolina Hospitals; the President of the UNC Faculty Physicians; and two members of the faculty of the School of Medicine of the University of North Carolina at Chapel Hill designated by the Dean of the School of ~~Medicine; provided, that if not such a member ex officio by virtue of holding one or more of the offices aforementioned, additional ex officio memberships shall be held by the President of the University of North Carolina Hospitals at Chapel Hill, the faculty member responsible for leading the clinical patient care programs of the School of Medicine, and~~ Medicine. If the Dean of the School of Medicine of the University of North Carolina at Chapel ~~Hill.~~Hill does not also hold one of the positions designated as an ex officio member of the board, the Dean shall serve in one of the positions reserved for a member of the faculty.

b. ~~No less than nine and no more than 21~~ Sixteen members at ~~large, which number shall be determined by the board of directors,~~ large shall be appointed for four-year terms, commencing on November 1 of the year of ~~appointment; provided, that the initial~~ appointment.

Twelve of the members at large shall be appointed by the Board of Governors after consultation with the President of The University of North Carolina. Four of the members at large shall be appointed by the board of directors.

c. The initial class of at-large members shall ~~include~~ be composed of the following individuals:

1. ~~the~~ The persons who hold the appointed memberships on the board of ~~directors of the University of North Carolina Hospitals at Chapel Hill incumbent as of October 31, 1998,~~ directors as of October 31, 2012, and whose terms do not expire on that date. The ~~with their~~ terms of membership ~~on the board of directors of the University of North Carolina Health Care System to~~ for these at-large members will expire on the last day of October of the year in which their term ~~as a member of the board of directors of the University of North Carolina Hospitals at Chapel Hill~~ would have expired.
2. Three persons appointed by the Board of Governors after consultation with the President of The University of North Carolina whose terms will commence on November 1, 2012, and will expire on October 31, 2016.
3. One person appointed by the board of directors whose term will commence on November 1, 2012, and will expire on October 31, 2016.

The Board of Governors shall appoint successor at-large members for those members whose terms end on October 31, 2013, October 31, 2014, and four of the five members whose terms end on October 31, 2016. The board of directors shall appoint successor at-large members for those members whose terms end on October 31, 2015, and one of the five members whose terms end on October 31, 2016.

d. All ~~Vacant~~ at-large positions shall be filled by the appointment of persons from the business and professional public at large who have special competence in business management, hospital administration, health care delivery, or medical practice or who otherwise have demonstrated dedication to the improvement of health care in North Carolina, and who are neither members of the Board of Governors, members of the board of trustees of a constituent institution of The University of North Carolina, nor officers or employees of the State. ~~Members shall be appointed by the President of the University, and ratified by the Board of Governors, from among a slate of nominations made by the board of directors of the University of North Carolina Health Care System.~~ No member may be appointed to more than two full four-year terms in ~~succession; provided, that persons holding appointed memberships on November 1, 1998, by virtue of their previous membership on the board of directors of the University of North Carolina Hospitals at Chapel Hill, shall not be eligible, for a period of one year following expiration of their term, to be reappointed to the board of directors of the University of North Carolina Health Care System.~~succession, including members serving as of June 30, 2012. Any vacancy in an unexpired term ~~shall be filled by an appointment made by the President, and ratified by the Board~~

~~of Governors, upon the nomination of the board of directors,~~ shall be filled by the appointing authority for the balance of the term remaining.

(2) The board of directors, with each ex officio and at-large member having a vote, shall elect a chairman only from among the at-large members, for a term of two years. Notwithstanding the foregoing limitation, the Chancellor of the University of North Carolina at Chapel Hill may serve as Chairman. No person shall be eligible to serve as chairman for more than three terms in succession.

(3) The board of directors of the University of North Carolina Health Care System shall meet at least every 60 days and may hold special meetings at any time and place within the State at the call of the chairman. Board members, other than ex officio members, shall receive the same per diem and reimbursement for travel expenses as members of the State boards and commissions generally.

(4) In meeting the patient-care, educational, research, and public-service goals of the University of North Carolina Health Care System, the board of directors is authorized to exercise such authority and responsibility and adopt such policies, rules, and regulations as it deems necessary and appropriate, not inconsistent with the provisions of this section or the policies of the Board of Governors or, to the extent the board's actions affect employees of the University of North Carolina at Chapel Hill, the policies of the University of North Carolina at Chapel Hill. The board may authorize any component of the University of North Carolina Health Care System, including the University of North Carolina Hospitals at Chapel Hill, to contract in its individual capacity, subject to such policies and procedures as the board of directors may direct. The board of directors may enter into formal agreements with the University of North Carolina at Chapel Hill with respect to the provision of clinical experience for students and for the provision of maintenance and supporting services. The board's action on matters within its jurisdiction is final, except that appeals may be made, in writing, to the Board of Governors with a copy of the appeal to the Chancellor of the University of North Carolina at Chapel Hill. The board of directors shall keep the Board of Governors and the board of trustees of the University of North Carolina at Chapel Hill fully informed about health care policy and recommend changes necessary to maintain adequate health care delivery, education, and research for improvement of the health of the citizens of North Carolina."

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

The University of North Carolina
POST OFFICE BOX 2688, CHAPEL HILL, NC 27515-2688
Telephone: (919) 962-1000 Fax (919) 843-9695

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June 26, 2012

The Honorable Tom Apodaca
Room 2010, Legislative Building
Raleigh, NC 27601

The Honorable Harold J. Brubaker
Room 302, Legislative Office Building
Raleigh, NC 27603

Dear Senator Apodaca and Speaker Brubaker:

We want to take this opportunity to thank you for your ongoing support for UNC Health Care.

We support the agreed-upon and attached proposed legislation, sponsored by Representative Moffitt, to strengthen the governance ties between the University of North Carolina Board of Governors and UNC Health Care.

The proposed committee substitute of H1073 gives the Board of Governors more direct board appointment authority to the UNC Health Care Board of Directors and we believe that these changes will help to assure that UNC Healthcare continues to provide much needed, well-managed health care services for the benefit of the citizens of North Carolina and the overall mission of the University.

Sincerely,

Thomas W. Ross

William L. Roper

Thomas W. Ross
President,
University of North Carolina

Peter Hans
Chairman
UNC Board of Governors

William L. Roper, MD, MPH
CEO, UNC Health Care
Dean, UNC School of Medicine

cc: Representative Tim D. Moffitt

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 1073
PROPOSED COMMITTEE SUBSTITUTE H1073-PCS11387-RC-71

Short Title: Modify UNCHCS Board. (Public)

Sponsors:

Referred to:

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-37(b) reads as rewritten:

"(b) Board of Directors. – ~~There is hereby established a~~ The board of directors of the University of North Carolina Health Care ~~System, effective November 1, 1998.~~ System is hereby restructured effective November 1, 2012.

(1) The board of directors shall be composed of 24 members as follows:

a. ~~A minimum of six~~ Eight members ex officio ~~of said board~~ shall be the President of The University of North Carolina (or the President's designee); the Chief Executive Officer of the University of North Carolina Health Care System; the Chancellor of the University of North Carolina at Chapel Hill and one additional administrative officer of the University of North Carolina at Chapel Hill designated by the Chancellor; the President of the University of North Carolina Hospitals; the President of the UNC Faculty Physicians; and two members of the faculty of the School of Medicine of the University of North Carolina at Chapel Hill designated by the Dean of the School of ~~Medicine; provided, that if not such a member ex officio by virtue of holding one or more of the offices aforementioned, additional ex officio memberships shall be held by the President of the University of North Carolina Hospitals at Chapel Hill, the faculty member responsible for leading the clinical patient care programs of the School of Medicine, and~~ Medicine. If the Dean of the School of Medicine of the University of North Carolina at Chapel ~~Hill.~~ Hill does not also hold one of the positions designated as an ex officio member of the board, the Dean shall serve in one of the positions reserved for a member of the faculty.

b. ~~No less than nine and no more than 21~~ Sixteen members at ~~large, which number shall be determined by the board of directors,~~ large shall be appointed for four-year terms, commencing on November 1 of the year of ~~appointment; provided, that the initial~~ appointment.

Twelve of the members at large shall be appointed by the Board of Governors after consultation with the President of The University of North Carolina. Four of the members at large shall be appointed by the board of directors.

c. The initial class of at-large members shall ~~include~~ be composed of the following individuals:

1. ~~the~~ The persons who hold the appointed memberships on the board of ~~directors of the University of North Carolina Hospitals at Chapel Hill incumbent as of October 31, 1998,~~ directors as of October 31, 2012, and whose terms do not expire on that date. The ~~with their~~ terms of membership ~~on the board of directors of the University of North Carolina Health Care System to~~ for these at-large members will expire on the last day of October of the year in which their term ~~as a member of the board of directors of the University of North Carolina Hospitals at Chapel Hill~~ would have expired.
2. Three persons appointed by the Board of Governors after consultation with the President of The University of North Carolina whose terms will commence on November 1, 2012, and will expire on October 31, 2016.
3. One person appointed by the board of directors whose term will commence on November 1, 2012, and will expire on October 31, 2016.

The Board of Governors shall appoint successor at-large members for those members whose terms end on October 31, 2013, October 31, 2014, and four of the five members whose terms end on October 31, 2016. The board of directors shall appoint successor at-large members for those members whose terms end on October 31, 2015, and one of the five members whose terms end on October 31, 2016.

d. All ~~Vacant~~ at-large positions shall be filled by the appointment of persons from the business and professional public at large who have special competence in business management, hospital administration, health care delivery, or medical practice or who otherwise have demonstrated dedication to the improvement of health care in North Carolina, and who are neither members of the Board of Governors, members of the board of trustees of a constituent institution of The University of North Carolina, nor officers or employees of the State. ~~Members shall be appointed by the President of the University, and ratified by the Board of Governors, from among a slate of nominations made by the board of directors of the University of North Carolina Health Care System.~~ No member may be appointed to more than two full four-year terms in ~~succession; provided, that persons holding appointed memberships on November 1, 1998, by virtue of their previous membership on the board of directors of the University of North Carolina Hospitals at Chapel Hill, shall not be eligible, for a period of one year following expiration of their term, to be reappointed to the board of directors of the University of North Carolina Health Care System.~~ succession, including members serving as of June 30, 2012. Any vacancy in an unexpired term ~~shall be filled by an appointment made by the President, and ratified by the Board~~

~~of Governors, upon the nomination of the board of directors,~~ shall be filled by the appointing authority for the balance of the term remaining.

(2) The board of directors, with each ex officio and at-large member having a vote, shall elect a chairman only from among the at-large members, for a term of two years. Notwithstanding the foregoing limitation, the Chancellor of the University of North Carolina at Chapel Hill may serve as Chairman. No person shall be eligible to serve as chairman for more than three terms in succession.

(3) The board of directors of the University of North Carolina Health Care System shall meet at least every 60 days and may hold special meetings at any time and place within the State at the call of the chairman. Board members, other than ex officio members, shall receive the same per diem and reimbursement for travel expenses as members of the State boards and commissions generally.

(4) In meeting the patient-care, educational, research, and public-service goals of the University of North Carolina Health Care System, the board of directors is authorized to exercise such authority and responsibility and adopt such policies, rules, and regulations as it deems necessary and appropriate, not inconsistent with the provisions of this section or the policies of the Board of Governors or, to the extent the board's actions affect employees of the University of North Carolina at Chapel Hill, the policies of the University of North Carolina at Chapel Hill. The board may authorize any component of the University of North Carolina Health Care System, including the University of North Carolina Hospitals at Chapel Hill, to contract in its individual capacity, subject to such policies and procedures as the board of directors may direct. The board of directors may enter into formal agreements with the University of North Carolina at Chapel Hill with respect to the provision of clinical experience for students and for the provision of maintenance and supporting services. The board's action on matters within its jurisdiction is final, except that appeals may be made, in writing, to the Board of Governors with a copy of the appeal to the Chancellor of the University of North Carolina at Chapel Hill. The board of directors shall keep the Board of Governors and the board of trustees of the University of North Carolina at Chapel Hill fully informed about health care policy and recommend changes necessary to maintain adequate health care delivery, education, and research for improvement of the health of the citizens of North Carolina."

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

The University of North Carolina
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June 26, 2012

The Honorable Tom Apodaca
Room 2010, Legislative Building
Raleigh, NC 27601

The Honorable Harold J. Brubaker
Room 302, Legislative Office Building
Raleigh, NC 27603

Dear Senator Apodaca and Speaker Brubaker:

We want to take this opportunity to thank you for your ongoing support for UNC Health Care.

We support the agreed-upon and attached proposed legislation, sponsored by Representative Moffitt, to strengthen the governance ties between the University of North Carolina Board of Governors and UNC Health Care.

The proposed committee substitute of H1073 gives the Board of Governors more direct board appointment authority to the UNC Health Care Board of Directors and we believe that these changes will help to assure that UNC Healthcare continues to provide much needed, well-managed health care services for the benefit of the citizens of North Carolina and the overall mission of the University.

Sincerely,

Thomas W. Ross — Peter Hans — William L. Roper

Thomas W. Ross	Peter Hans	William L. Roper, MD, MPH
President,	Chairman	CEO, UNC Health Care
University of North Carolina	UNC Board of Governors	Dean, UNC School of Medicine

cc: Representative Tim D. Moffitt

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

HOUSE BILL 1073

Short Title:	UNCHCS Changes.	(Public)
Sponsors:	Representative Moffitt (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Health and Human Services.	

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PURPOSE OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM, TO INCREASE THE AUTHORITY OF THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS TO GOVERN THE HEALTH CARE SYSTEM, TO REDUCE THE NUMBER AND CHANGE THE COMPOSITION OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE HEALTH CARE SYSTEM, TO INCREASE THE SYSTEM'S ACCOUNTABILITY AND TRANSPARENCY, TO CLARIFY ITS STATUS AS A STATE AGENCY, AND TO LIMIT FUTURE EXPANSION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STATE-OWNED ASSETS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-37 reads as rewritten:

"**§ 116-37. University of North Carolina Health Care System.**

(a) Creation of System. –

(1) There is hereby established the University of North Carolina Health Care System, effective November 1, 1998, which shall be ~~governed and administered as~~ an affiliated enterprise of The University of North Carolina governed by the Board of Governors and administered by the board of directors created in subsection (b) of this section. Consistent with State statutes and policy and without unduly competing with non-State-owned health care systems, the purpose of the University of North Carolina Health Care System is to ~~in accordance with the provisions of this section, to provide patient care, facilitate the education of physicians and other health care providers, conduct research collaboratively with the health sciences schools of the University of North Carolina at Chapel Hill, and render other services designed to promote the health and well-being of the citizens of North Carolina.~~ meet the goals of education, research, patient care, and community service.

(2) As of November 1, 1998, all of the rights, privileges, liabilities, and obligations of the board of directors of the University of North Carolina Hospitals at Chapel Hill, not inconsistent with the provisions of this section, shall be transferred to and assumed by the board of directors of the University of North Carolina Health Care System.

(3) The University of North Carolina Hospitals at Chapel Hill and the clinical patient care programs established or maintained by the School of Medicine

of the University of North Carolina at Chapel Hill shall be governed by the Board of Governors and administered by the board of directors of the University of North Carolina Health Care System.

(4) With respect to the provisions of subsections (d), (e), (f), ~~(h), (i), (j),~~ and (k) of this section, the ~~board of directors~~ Board of Governors may adopt or may delegate to the board of directors the authority to adopt policies that make the authorities and responsibilities established by one or more of said subsections applicable to the University of North Carolina Hospitals at Chapel Hill, to the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill, to both, or to other persons or entities affiliated with or under the control of the University of North Carolina Health Care System.

(5) To effect an orderly transition, the policies and procedures of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill and of the University of North Carolina Hospitals at Chapel Hill effective as of October 31, 1998, shall remain effective in accordance with their terms until changed by the Board of Directors of the University of North Carolina Health Care System.

(b) Board of Directors. ~~There is hereby established a board of directors of the University of North Carolina Health Care System, effective November 1, 1998.~~The Board of Governors of The University of North Carolina is directed to reconstitute the board of directors for the University of North Carolina Health Care System, effective November 1, 2012.

(1) The reconstituted board of directors shall be composed of 12 members as follows:

a. ~~A minimum of six~~Three members ex officio of said board shall be ~~the President of The University of North Carolina (or the President's designee);~~ the State Treasurer or the Treasurer's designee; the Chief Executive Officer of the University of North Carolina Health Care System; ~~the Chancellor of the University of North Carolina at Chapel Hill and one additional administrative officer of the University of North Carolina at Chapel Hill designated by the Chancellor; and two members of the faculty of the~~ and the Dean of the School of Medicine of the University of North Carolina at Chapel ~~Hill designated by the Dean of the School of Medicine;~~ Hill; provided, that if the Dean is already ~~not such a~~ member ex officio by virtue of holding one or more of the offices aforementioned, ~~additional ex officio memberships shall be held by the President of the University of North Carolina Hospitals at Chapel Hill,~~ the faculty member responsible for leading the clinical patient care programs of the School of ~~Medicine, and the Dean of the School of Medicine of the University of North Carolina at Chapel Hill.~~ Medicine shall serve as the third member ex officio.

b. ~~No less than nine and no more than 21~~Nine members at ~~large, which number shall be determined by the board of directors,~~ large who shall be appointed by the Board of Governors for four-year terms, commencing on November 1 of the year of ~~appointment; provided, that~~ appointment. In order to effectuate staggered terms and to provide continuity of board membership, a minimum of five members of the initial class of at-large members of the reconstituted board shall ~~include~~ be selected by the Board of Governors from the persons who hold the appointed memberships on the board of

directors of the University of North Carolina ~~Hospitals at Chapel Hill~~Health Care System incumbent as of October 31, ~~1998,~~2012, whose terms shall expire on October 31, 2014. ~~with their terms of membership on the board of directors of the University of North Carolina Health Care System to expire on the last day of October of the year in which their term as a member of the board of directors of the University of North Carolina Hospitals at Chapel Hill would have expired.~~The Board of Governors shall appoint individuals to the remaining at-large positions of the reconstituted board whose terms shall expire on October 31, 2016. ~~Vacant~~As the terms of the initial at-large members of the reconstituted board expire, the Board of Governors shall appoint individuals to fill the vacant at-large positions ~~shall be filled by the appointment of persons~~ from the business and professional public at large who have special competence in business management, hospital administration, health care delivery, or medical practice or who otherwise have demonstrated dedication to the improvement of health care in North Carolina, and who are neither members of the Board of Governors, members of the board of trustees of a constituent institution of The University of North Carolina, nor officers or employees of the State. ~~Members shall be appointed by the President of the University, and ratified by the Board of Governors, from among a slate of nominations made by the board of directors of the University of North Carolina Health Care System.~~ No member may be appointed to more than two full four-year terms in succession; provided, that persons holding appointed memberships on November 1, ~~1998,~~2012, by virtue of their previous membership on the board of directors of the University of North Carolina ~~Hospitals at Chapel Hill,~~ Health Care System on October 31, 2012, shall not be ~~eligible, for a period of one year following expiration of their term,~~ eligible to be reappointed to the board of directors of the University of North Carolina Health Care System. Any vacancy in an unexpired term shall be filled by an appointment made by ~~the President, and ratified by~~ the Board of ~~Governors, upon the nomination of the board of directors,~~Governors for the balance of the term remaining.

(2) The board of directors, with each ex officio and at-large member having a vote, shall elect a chairman only from among the at-large members, for a term of two years. ~~Notwithstanding the foregoing limitation, the Chancellor of the University of North Carolina at Chapel Hill may serve as Chairman.~~ No person shall be eligible to serve as chairman for more than three terms in succession.

(3) The board of directors of the University of North Carolina Health Care System shall meet at least every 60 days and may hold special meetings at any time and place within the State at the call of the chairman. Board members, other than ex officio members, shall receive the same per diem and reimbursement for travel expenses as members of the State boards and commissions generally.

(4) In meeting the patient-care, educational, research, and public-service goals of the University of North Carolina Health Care System, the Board of Governors ~~board of directors~~ is authorized or may delegate to the board of directors the authority to ~~exercise such authority and responsibility to~~ adopt

policies, rules, and regulations that are ~~as it deems~~ necessary and appropriate, not inconsistent with the provisions of this section or the policies of the Board of Governors or, to the extent the ~~board's~~ actions affect employees of the University of North Carolina at Chapel Hill, not inconsistent with the policies of the University of North Carolina at Chapel Hill. The Board of Governors ~~board~~ may authorize or may delegate to the board of directors the authority to authorize any component of the University of North Carolina Health Care System, including the University of North Carolina Hospitals at Chapel Hill, to contract in its individual capacity, subject to such policies and procedures as the board of directors may direct. The board of directors may enter into formal agreements with the University of North Carolina at Chapel Hill with respect to the provision of clinical experience for students and for the provision of maintenance and supporting services. The board's action on matters within its jurisdiction is final, except that appeals may be made, in writing, to the Board of Governors with a copy of the appeal to the Chancellor of the University of North Carolina at Chapel Hill. The board of directors shall keep the Board of Governors and the board of trustees of the University of North Carolina at Chapel Hill fully informed about health care policy and recommend changes necessary to maintain adequate health care delivery, education, and research for improvement of the health of the citizens of North Carolina.

(c) Officers. –

(1) The executive and administrative head of the University of North Carolina Health Care System shall have the title of "Chief Executive Officer." The board of directors, the board of trustees, and the Chancellor of the University of North Carolina at Chapel Hill, following such search process as the boards and the Chancellor deem appropriate, shall identify two or more persons as candidates for the office, who, pursuant to criteria agreed upon by the boards and the Chancellor, have the qualifications for both the positions of Chief Executive Officer of the University of North Carolina Health Care System and Vice-Chancellor for Medical Affairs of the University of North Carolina at Chapel Hill. The names of the candidates so identified, once approved by the board of directors and the board of trustees, shall be forwarded by the Chancellor to the President of The University of North Carolina, who if satisfied with the quality of one or more of the candidates, will nominate one as Chief Executive Officer, subject to selection by the Board of Governors. The individual serving as Chief Executive Officer shall have complete executive and administrative authority to formulate proposals for, recommend the adoption of, and implement policies governing the programs and activities of the University of North Carolina Health Care System, subject to all requirements of the board of directors. That same individual, when serving as Vice-Chancellor for Medical Affairs, shall have all authorities, rights, and responsibilities of a vice-chancellor of the University of North Carolina at Chapel Hill.

(2) The executive and administrative head of the University of North Carolina Hospitals at Chapel Hill shall have the title of "President of the University of North Carolina Hospitals at Chapel Hill."

(3) The board of directors shall elect, on nomination of the Chief Executive Officer, the President of the University of North Carolina Hospitals at Chapel Hill, and such additional administrative and professional staff employees of the University of North Carolina Health Care System as may

be deemed necessary to assist in fulfilling the duties of the office of the Chief Executive Officer, all of whom shall serve at the pleasure of the Chief Executive Officer.

(d) Personnel. – Employees of the University of North Carolina Health Care System shall be deemed to be employees of the State and shall be subject to all provisions of State law relevant thereto; provided, however, that except as to the provisions of Articles 5, 6, 7, and 14 of Chapter 126 of the General Statutes, the provisions of Chapter 126 shall not apply to employees of the University of North Carolina Health Care System, and the policies and procedures governing the terms and conditions of employment of such employees shall be adopted by the board of directors; provided, that with respect to such employees as may be members of the faculty of the University of North Carolina at Chapel Hill, no such policies and procedures may be inconsistent with policies established by, or adopted pursuant to delegation from, the Board of Governors of The University of North Carolina.

(1) The ~~board of directors~~ Board of Governors shall fix or approve or may delegate to the board of directors the authority to fix or approve the schedules of pay, expense allowances, and other compensation and adopt position classification plans for employees of the University of North Carolina Health Care System.

(2) The ~~board of directors~~ Board of Governors may adopt or provide or may delegate to the board of directors the authority to adopt or provide for rules and regulations concerning, but not limited to, annual leave, sick leave, special leave with full pay or with partial pay supplementing workers' compensation payments for employees injured in accidents arising out of and in the course of employment, working conditions, service awards and incentive award programs, grounds for dismissal, demotion, or discipline, other personnel policies, and any other measures that promote the hiring and retention of capable, diligent, and effective career employees. However, an employee who has achieved career State employee status as defined by G.S. 126-1.1 by October 31, 1998, shall not have his or her compensation reduced as a result of this subdivision. Further, an employee who has achieved career State employee status as defined by G.S. 126-1.1 by October 31, 1998, shall be subject to the rules regarding discipline or discharge that were effective on October 31, 1998, and shall not be subject to the rules regarding discipline or discharge adopted after October 31, 1998.

(3) The ~~board of directors~~Board of Governors may prescribe or may delegate to the board of directors the authority to prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the University of North Carolina Health Care System.

(4) The ~~board of directors~~Board of Governors may establish or may delegate to the board of directors the authority to establish boards, committees, or councils to conduct hearings upon the appeal of employees who have been suspended, demoted, otherwise disciplined, or discharged, to hear employee grievances, or to undertake any other duties relating to personnel administration that the board of directors may direct.

The board of directors shall submit all initial classification and pay plans and other rules and regulations adopted pursuant to subdivisions (1) through (4) of this subsection to the Office of State Personnel for review upon adoption by the board. Any subsequent changes to these plans, rules, and policies ~~adopted by the board~~ shall be submitted to the Office of State Personnel for review. Any comments by the Office of State Personnel shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina.

(e) Finances. – The University of North Carolina Health Care System shall be subject to the provisions of the State Budget ~~Act, except for trust funds as provided in G.S. 116-36.1 and G.S. 116-37.2.~~ Act. The Chief Executive Officer, subject to the ~~board of directors,~~ Board of Governors, shall be responsible for all aspects of budget preparation, budget execution, and expenditure reporting. All operating funds of the University of North Carolina Health Care System may be budgeted and disbursed through special fund codes, maintaining separate auditable accounts for the University of North Carolina Hospitals at Chapel Hill and the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill. All receipts of the University of North Carolina Health Care System may be deposited directly to the special fund codes, and except for General Fund appropriations, all receipts of the University of North Carolina Hospitals at Chapel Hill may be invested pursuant to G.S. 116-37.2(h). General Fund appropriations for support of the University of North Carolina Hospitals at Chapel Hill shall be budgeted in a General Fund code under a single purpose, "Contribution to University of North Carolina Hospitals at Chapel Hill Operations" and be transferable to a special fund operating code as receipts.

(f) Finances – Patient/Health Care System Benefit. – The Chief Executive Officer of the University of North Carolina Health Care System, or the Chief Executive Officer's designee, may expend operating budget funds, including State funds, of the University of North Carolina Health Care System for the direct benefit of a patient, when, in the judgment of the Chief Executive Officer or the Chief Executive Officer's designee, the expenditure of these funds would result in a financial benefit to the University of North Carolina Health Care System. Any such expenditures are declared to result in the provision of medical services and create charges of the University of North Carolina Health Care System for which the health care system may bill and pursue recovery in the same way as allowed by law for recovery of other health care systems' charges for services that are unpaid.

These expenditures shall be restricted (i) to situations in which a patient is financially unable to afford ambulance or other transportation for discharge; (ii) to afford placement in an after-care facility; (iii) to assure availability of a bed in an after-care facility after discharge from the hospitals; (iv) to secure equipment or other medically appropriate services after discharge; or (v) to pay health insurance premiums. The Chief Executive Officer or the Chief Executive Officer's designee shall reevaluate at least once a month the cost-effectiveness of any continuing payment on behalf of a patient.

To the extent that the University of North Carolina Health Care System advances anticipated government entitlement benefits for a patient's benefit, for which the patient later receives a lump-sum "back-pay" award from an agency of the State, whether for the current admission or subsequent admission, the State agency shall withhold from this back pay an amount equal to the sum advanced on the patient's behalf by the University of North Carolina Health Care System, if, prior to the disbursement of the back pay, the applicable State program has received notice from the University of North Carolina Health Care System of the advancement.

(f1) Provision of Indigent Care. – The University of North Carolina Health Care System shall provide a proportionate share of the indigent care, as compared with non-State-owned health care systems, in each county where it provides medical services. By July 1, 2013, the Board of Governors, in conjunction with the North Carolina Hospital Association, shall develop methods to measure the provision of indigent care services that allow for direct and accurate comparison between health care systems.

(g) Reports. – The Chief Executive Officer ~~and the President of The University of North Carolina jointly~~ shall report by September 30 of each year on the operations and financial affairs of the University of North Carolina Health Care System to the Board of Governors. The Board of Governors shall report by November 30 of each year on the operations and financial affairs of the University of North Carolina Health Care System to the

Joint Legislative Commission on Governmental Operations. The report shall include the actions taken by the Board of Governors or the board of directors under the authority granted in ~~subsections (d), (h), (i), and (j)~~ subsection (d) of this section.

All nonprofit corporations that are part of the University of North Carolina Health Care System must complete an Internal Revenue Service Form 990 annually and submit a copy to the Board of Governors.

~~(h) Purchases. Notwithstanding the provisions of Articles 3, 3A, and 3C of Chapter 143 of the General Statutes to the contrary, the board of directors shall establish policies and regulations governing the purchasing requirements of the University of North Carolina Health Care System. These policies and regulations shall provide for requests for proposals, competitive bidding, or purchasing by means other than competitive bidding, contract negotiations, and contract awards for purchasing supplies, materials, equipment, and services which are necessary and appropriate to fulfill the clinical, educational, research, and community service missions of the University of North Carolina Health Care System. The board of directors shall submit all initial policies and regulations adopted pursuant to this subsection to the Division of Purchase and Contract for review upon adoption by the board. Any subsequent changes to these policies and regulations adopted by the board shall be submitted to the Division of Purchase and Contract for review. Any comments by the Division of Purchase and Contract shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina.~~

~~(i) Property. The board of directors shall establish rules and regulations for acquiring or disposing of any interest in real property for the use of the University of North Carolina Health Care System. These rules and regulations shall include provisions for development of specifications, advertisement, and negotiations with owners for acquisition by purchase, gift, lease, or rental, but not by condemnation or exercise of eminent domain, on behalf of the University of North Carolina Health Care System. This section does not authorize the board of directors to encumber real property. The board of directors shall submit all initial policies and regulations adopted pursuant to this subsection to the State Property Office for review upon adoption by the board. Any subsequent changes to these policies and regulations adopted by the board shall be submitted to the State Property Office for review. Any comments by the State Property Office shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina. After review by the Attorney General as to form and after the consummation of any such acquisition, the University of North Carolina Health Care System shall promptly file a report concerning the acquisition or disposition with the Governor and Council of State. Acquisitions and dispositions of any interest in real property pursuant to this section shall not be subject to the provisions of Article 36 of Chapter 143 of the General Statutes or the provisions of Chapter 146 of the General Statutes.~~

~~(j) Property Construction. Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the board of directors shall adopt policies and procedures with respect to the design, construction, and renovation of buildings, utilities, and other property developments of the University of North Carolina Health Care System requiring the expenditure of public money for:~~

- ~~(1) Conducting the fee negotiations for all design contracts and supervising the letting of all construction and design contracts.~~
- ~~(2) Performing the duties of the Department of Administration, the Office of State Construction, and the State Building Commission under G.S. 133-1.1(d), Article 8 of Chapter 143 of the General Statutes, and G.S. 143-341(3).~~
- ~~(3) Using open-end design agreements.~~

~~(4) As appropriate, submitting construction documents for review and approval by the Department of Insurance and the Division of Health Service Regulation of the Department of Health and Human Services.~~

~~(5) Using the standard contracts for design and construction currently in use for State capital improvement projects by the Office of State Construction of the Department of Administration.~~

~~The board of directors shall submit all initial policies and procedures adopted under this subsection to the Office of State Construction for review upon adoption by the board. Any subsequent changes to these policies and procedures adopted by the board shall be submitted to the Office of State Construction for review. Any comments by the Office of State Construction shall be submitted to the Chief Executive Officer and to the President of The University of North Carolina.~~

(k) Patient Information. – The University of North Carolina Health Care System shall, at the earliest possible opportunity, specifically make a verbal and written request to each patient to disclose the patient's social security number, if any. If the patient does not disclose that number, the University of North Carolina Health Care System shall deny benefits, rights, and privileges of the University of North Carolina Health Care System to the patient as soon as practical, to the maximum extent permitted by federal law or federal regulations. The University of North Carolina Health Care System shall make the disclosure to the patient required by Section 7(b) of P.L. 93-579. This subsection is supplementary to G.S. 105A-3(c).

(l) Expansion. – The University of North Carolina Health Care System shall not use any funds available to it, whether fees for provision of services, reserves, or assessments of entities affiliated with the system, to expand the geographic areas where it provides services without the specific authorization of the General Assembly. "

SECTION 2. G.S. 116-37.2(b) reads as written:

"(b) The Board of ~~Directors~~ Governors is responsible or may delegate the responsibility to the board of directors of the University of North Carolina Health Care System, as established in G.S. 116-37(b), ~~is responsible~~ for the custody and management of the funds of the University of North Carolina Hospitals at Chapel Hill. The Board of Governors shall adopt or may delegate the authority to the board of directors to adopt uniform policies and procedures applicable to the deposit, investment, and administration of these funds, which shall assure that the receipt and expenditure of such funds is properly authorized and that the funds are appropriately accounted for. The Board of Governors may delegate authority, through the Chief Executive Officer of the University of North Carolina Health Care System to the President of the University of North Carolina Hospitals at Chapel Hill, when such delegation is necessary or prudent to enable the University of North Carolina Hospitals at Chapel Hill to function in a proper and expeditious manner."

SECTION 3. G.S. 116-37.2(h) reads as rewritten:

"(h) The Board of Governors may deposit or invest, or may delegate to the board of directors the authority to deposit or invest, ~~Directors of the University of North Carolina Health Care System may deposit or invest~~ the funds under this section in interest-bearing accounts and other investments in the exercise of its sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries."

SECTION 4. G.S. 143-56 reads as rewritten:

"**§ 143-56. Certain purchases excepted from provisions of Article.**

Unless as may otherwise be ordered by the Secretary of Administration, the purchase of supplies, materials and equipment through the Secretary of Administration shall be mandatory in the following cases:

(1) Published books, manuscripts, maps, pamphlets and periodicals.

(2) Perishable articles such as fresh vegetables, fresh fish, fresh meat, eggs, and others as may be classified by the Secretary of Administration.

Purchase through the Secretary of Administration shall not be mandatory for information technology purchased in accordance with Article 3D of Chapter 147 of the General Statutes, for a purchase of supplies, materials or equipment for the General Assembly if the total expenditures is less than the expenditure benchmark established under the provisions of G.S. 143-53.1, for group purchases made by hospitals, developmental centers, neuromedical treatment centers, and alcohol and drug abuse treatment centers through a competitive bidding purchasing program, as defined in G.S. 143-129, ~~by the University of North Carolina Health Care System pursuant to G.S. 116-37(h), by the University of North Carolina Hospitals at Chapel Hill pursuant to G.S. 116-37(a)(4), by the University of North Carolina at Chapel Hill on behalf of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill pursuant to G.S. 116-37(a)(4),~~ or by East Carolina University on behalf of the Medical Faculty Practice Plan pursuant to G.S. 116-40.6(c).

All purchases of the above articles made directly by the departments, institutions and agencies of the State government shall, whenever possible, be based on competitive bids. Whenever an order is placed or contract awarded for such articles by any of the departments, institutions and agencies of the State government, a copy of such order or contract shall be forwarded to the Secretary of Administration and a record of the competitive bids upon which it was based shall be retained for inspection and review."

SECTION 5. G.S. 146-22(c) reads as rewritten:

"(c) Acquisitions on behalf of ~~the University of North Carolina Health Care System shall be made in accordance with G.S. 116-37(i), acquisitions on behalf of the University of North Carolina Hospitals at Chapel Hill shall be made in accordance with G.S. 116-37(a)(4), acquisitions on behalf of the clinical patient care programs of the School of Medicine of The University of North Carolina at Chapel Hill shall be made in accordance with G.S. 116-37(a)(4), and acquisitions on behalf of~~ the Medical Faculty Practice Plan of the East Carolina University School of Medicine shall be made in accordance with G.S. 116-40.6(d)."

SECTION 6. This act becomes effective October 1, 2012.

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 6/27/12 Room: 643

*Name: Kayla Alderman

County: Forsyth

Sponsor: McGee

*Name: Kristen Alderman

County: Forsyth

Sponsor: McGee

*Name: Peter Ojo

County: Cumberland

Sponsor: Glazier

*Name: Ashley Hines

County: Richmond

Sponsor: Tillis

*Name:

County:

Sponsor:

House Sgt-At Arms:

1. Name: Carl Morello
2. Name: Doug Harris
3. Name: Bill Bass
4. Name: Larry Elliott
5. Name:
6. Name:

VISITOR REGISTRATION SHEET

Rules — 6/27/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Christine Craig	Wake Med
David Knight	DENR
Clare FitzGerald	DENR
Mitch Leonard	SCANC
Archie Watkins	SCANC

VISITOR REGISTRATION SHEET

Rules — Name of Committee

6/27/12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
T Thomas	Telamon
E Harnick	CRL
Lesley Cates	UNC
Kelly Nicholson	UNCHC
David Rice	Fulton Manning

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 27, 2012

The Committee on Rules, Calendar, and Operations of the House met on June 27, 2012 at 7:52 p.m. in room 1328 of the Legislative Building. The following members were present: Representative Moore, Chairman, and Representative LaRoque, Chairman; Representatives Alexander, Faison, Hackney, Jeffus, Luebke, Moffitt, and Saine.

Chairman Moore presided.

The following bill was considered for introduction:

2012 Speaker's Appointments Bill, (The Committee on Rules, Calendar, and Operations of the House, Primary Sponsor). Chairman Moore recognized Representative Hackney who motioned for a favorable report as to the introduction of the bill. No discussion or debate. Vote was called and the motion passed.

Representative Moore adjourned at 7:52 p.m.

Respectfully submitted:

Representative Moore
Chairman

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

n: Nancy Garriss (Rep. Tim Moore)
...: Wednesday, June 27, 2012 7:42 PM
To: Rep. Tim Moore
Subject: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Wed, 06-27-2012 at 10 minutes after session

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

2011-2012 SESSION

are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Wednesday, June 27, 2012

TIME: **10 minutes** after session

LOCATION: 1327 LB

COMMENTS:

Respectfully,

Representative T. Moore, Chair

Representative LaRoque, Chair

reby certify this notice was filed by the committee assistant at the following offices at

7 PM o'clock on **June 27, 2011.**

Principal Clerk

Reading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE DRH90255-LG-193A (05/25)

Short Title:	2012 Speaker's Appointments Bill.	(Public)
Sponsors:	Committee on Rules, Calendar, and Operations of the House.	
Referred to:		

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:

PART I. SPEAKER'S RECOMMENDATIONS

SECTION 1.1. Effective October 1, 2012, Lavonda R. Daniels of Durham County is appointed to the African-American Heritage Commission for a term expiring on September 30, 2015.

SECTION 1.2. Thomas C. Hege of Davidson County is appointed to the North Carolina Agriculture Finance Authority for a term expiring on June 30, 2015.

SECTION 1.3. Larry W. McClellan of Forsyth County and John Thompson of Robeson County are appointed to the Alarm Systems Licensing Board for terms expiring on June 30, 2015.

SECTION 1.4. Lucas S. Jack of Buncombe County is appointed to the Board of Directors of the North Carolina Arboretum for a term expiring on June 30, 2016.

SECTION 1.5. Effective October 1, 2012, Craig Fitzgerald of Wake County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2016.

SECTION 1.6. Rick A. Whitaker of Durham County and Robert W. Hites, Jr., of Iredell County are appointed to the State Building Commission for terms expiring on June 30, 2015.

SECTION 1.7. Robert Seligson of Wake County is appointed to the Centennial Authority for a term expiring on June 30, 2016.

SECTION 1.8. Robin Kegerise of Wake County and Kevin R. Campbell of Mecklenburg County are appointed to the Child Care Commission for terms expiring on June 30, 2014.

SECTION 1.9. Charles E. Vines of Mitchell County and Kevin W. Markham of Wake County are appointed to the Clean Water Management Trust Fund Board of Trustees for terms expiring on June 30, 2016.

SECTION 1.10. Harry Schrum of Alexander County and Allen Kelly of Wake County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on June 30, 2016.

SECTION 1.11. Diane L. Danchi of Wake County is appointed to the North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2015.

SECTION 1.12.(a) The Honorable Karen B. Ray of Iredell County is appointed to the Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring on June 30, 2015.

SECTION 1.12.(b) Effective January 1, 2013, Representative Shirley Randleman of Wilkes County is appointed to the Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring on June 30, 2015.

SECTION 1.13. Effective October 1, 2012, Lorrie Dollar of Wake County is appointed to the Dispute Resolution Commission for a term expiring on September 30, 2015.

SECTION 1.14. Effective September 1, 2012, Jo M. Liles of Hertford County, George S. York, Jr., of Wake County, Matthew A. Hambidge of Cleveland County, Representative John Faircloth of Guilford County, Mary Catherine Stevens of Surry County, Charles E. Campbell, II, of Moore County, and Julia B. Freeman of Haywood County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2014.

SECTION 1.15. Effective December 1, 2012, Russell L. Proctor III of Nash County is appointed to the Economic Investment Committee for a term expiring on November 30, 2014.

SECTION 1.16. Effective January 1, 2013, Representative Craig Horn of Union County is appointed to the Education Commission of the States for a term expiring on December 31, 2016.

SECTION 1.17. Benne C. Hutson of Mecklenburg County is appointed to the Environmental Management Commission for a term expiring on June 30, 2014.

SECTION 1.18. Effective January 1, 2013, the Honorable John M. Tyson of Cumberland County is appointed to the State Ethics Commission for a term expiring on December 31, 2016.

SECTION 1.19. Effective September 1, 2012, Dan W. Kornelis of Forsyth County, Daniel C. Ayscue of Cleveland County, R. Scott Dedman of Buncombe County, Brian D. Coyle of Wake County, and Melody Smith of Wake County are appointed to the North Carolina Housing Partnership for terms expiring on August 31, 2015.

SECTION 1.20. Faline Locklear Dial of Robeson County is appointed to the North Carolina State Commission of Indian Affairs for a term expiring on June 30, 2014.

SECTION 1.21. Effective September 1, 2012, David Mark Hullender of Cleveland County is appointed to the Commission on Indigent Defense Services for a term expiring on August 31, 2016.

SECTION 1.22. Effective October 1, 2012, Michael Currin of Wake County is appointed to the North Carolina Irrigation Contractors' Licensing Board for a term expiring on September 30, 2015.

SECTION 1.23. Effective January 1, 2013, Mary M. Tucker of Wake County, Emmit Ray of Cabarrus County, Bob M. Russ of Forsyth County, and David Stone of Wake County are appointed to the License to Give Trust Fund Commission for terms expiring on December 31, 2014.

SECTION 1.24. Effective January 1, 2013, Ralph E. Fuller of Craven County is appointed to the North Carolina Locksmith Licensing Board for a term expiring on December 31, 2015.

SECTION 1.25. Effective September 1, 2012, W. Keith Ballentine of Nash County is appointed to the North Carolina State Lottery Commission for a term expiring on August 31, 2017.

SECTION 1.26. Michael C. Adcock of Brunswick County, Nina S. Walker of Harnett County, and Douglas S. Ramsey of Alexander County are appointed to the North Carolina Manufactured Housing Board for terms expiring on June 30, 2015.

SECTION 1.27. David Bedington of Catawba County and Renee D. Hays of Wake County are appointed to the North Carolina Board of Massage and Bodywork Therapy for terms expiring on June 30, 2015.

SECTION 1.28. Peggy S. Terhune of Randolph County, Ann Shaw of Randolph County, and Roger L. Dillard, Jr., of Forsyth County are appointed to the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services for terms expiring on June 30, 2015.

SECTION 1.29.(a) If both Senate Bill 810 and 820, 2012 Regular Session, become law, then the following shall be appointed to the North Carolina Mining and Energy Commission: Charles E. Holbrook of Moore County (Seat 7) for a term expiring on June 30, 2014, Raymond T. Covington of Guilford County (Seat 4) and William McNeely III of Transylvania County (Seat 6) for terms expiring on June 30, 2015, and Charles Taylor of Lee County (Seat 5) for a term expiring on June 30, 2016.

SECTION 1.29.(b) If Senate Bill 820, 2012 Regular Session, becomes law and Senate Bill 810, 2012 Regular Session, does not become law, then the following shall be appointed to the North Carolina Mining and Energy Commission: Charles E. Holbrook of Moore County (Seat 7) for a term expiring on June 30, 2014, Raymond T. Covington of Guilford County (Seat 4) and Christopher J. Ayers of Wake County (Seat 6) for terms expiring on June 30, 2015, and Charles Taylor of Lee County (Seat 5) for a term expiring on June 30, 2016.

SECTION 1.30.(a) Effective January 1, 2013, Robert Smith of Mecklenburg County, Richard Isherwood of Mecklenburg County, and Jean Thaxton of Alamance County are appointed to the 911 Board for terms expiring on December 31, 2016.

SECTION 1.30.(b) Sheriff Len D. Hagaman, Jr., of Watauga County is appointed to the 911 Board for a term expiring on December 31, 2014, to fill the unexpired term of Sheriff Rick Davis.

SECTION 1.31. Benjamin C. Hobbs of Chowan County, Steven E. Howell of Northampton County, and Donny L. Lassiter of Northampton County are appointed to the North Carolina's Northeast Commission for a term expiring on June 30, 2014.

SECTION 1.32. Diana Rashash of Onslow County is appointed to the North Carolina On-Site Wasterwater Contractors and Inspectors Certification Board for a term expiring on June 30, 2015.

SECTION 1.33. Paul A. Herbert of Mecklenburg County and Edward W. Wood of New Hanover County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on June 30, 2015.

SECTION 1.34. Luther H. Hodges, Jr., of Watauga County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2014.

SECTION 1.35. Robert M. Clark of Stanly County, Clyde Cook of Wake County, Marcus T. Benson of New Hanover County, and William F. Booth of Brunswick County are appointed to the Private Protective Services Board for terms expiring on June 30, 2015.

SECTION 1.36. Effective November 1, 2012, Paul Coyle of Gaston County and Larry Bruce Simpson of Alamance County are appointed to the North Carolina Respiratory Care Board for term expiring on October 31, 2015.

SECTION 1.37. Kenneth J. Daidone of Dare County, Agnes B. Powell of Bertie County, and Robert Partridge of Washington County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2014.

SECTION 1.38. Jeanette K. Doran of Wake County and Anna Baird Choi of Wake County are appointed to the Rules Review Commission for terms expiring on June 30, 2014.

SECTION 1.39. Sheriff Maynard B. Reid, Jr., of Randolph County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on June 30, 2015.

SECTION 1.40. Effective January 1, 2013, James A. Phillips, Jr., of Stanly County is appointed to the State Judicial Council for a term expiring on December 31, 2016.

SECTION 1.41. Mona M. Keech of Wake County is appointed to the North Carolina Supplemental Retirement Board of Trustees for a term expiring on June 30, 2014.

SECTION 1.42. Jeremy Freeman of Surry County is appointed to the Teaching Fellows Commission for a term expiring on June 30, 2015.

SECTION 1.43. Jonathan S. Loftis of Harnett County is appointed to the North Carolina Veterinary Medical Board for a term expiring on June 30, 2017.

SECTION 1.44. Cassandra Champion of Granville County is appointed to the Well Contractors Certification Commission for a term expiring on June 30, 2015.

PART II. EFFECTIVE DATE

SECTION 2. Unless otherwise provided, this act becomes effective July 1, 2012, and applies to appointments made on or after that date.

2011 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION

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

Representative (s) Reps. LaRoque and T. Moore (Chair's Name), for the Committee on Rules, Calendar, and Operations of the House (Committee Name)

submits the following bill with a favorable report for introduction.

2012 Speaker's Appointments Bill.

(FOR JOURNAL USE ONLY)

_____Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. _____ and placed on the Calendar for its _____ reading.

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
June 28, 2012

The Committee on Rules, Calendar and Operations of the House met on June 28, 2012 at 6:28 p.m. in room 1327 of the Legislative Building. The following members were present: Representative Moore and LaRoque Chair, Representative Owens Vice Chair, Representatives Alexander, Blust, Folwell, Hackney, Johnson, McComas, Moffitt, Saine, Samuelson, and Stam.

Rep. LaRoque presided.

The Following Bills were considered:

S227 Haywood Community College Leases. (Senator Hise, Primary Sponsor) Rep. LaRoque recognized Rep. Moore, and he motioned for the PCS before the committee. Rep. Folwell explained the bill. No discussion and debate. Rep. Samuelson made a motion for a favorable report as to the PCS and favorable to the original. Vote called and the motion passed.

S626 . PED to Study DENR Action/Alcoa Contamination. (Senators Hartsell and Bingham, Primary Sponsors) Rep. LaRoque recognized Rep. Moore and he motioned for the PCS before the committee. Rep. Avila explained the bill. No discussion and debate. Rep. Johnson made a motion for a favorable report as to the PCS and favorable to the original. Vote called and the motion passed.

Chair LaRoque adjourned at 6:31 p.m.

Respectfully submitted:

Representative LaRoque
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

m:	Nancy Garriss (Rep. Tim Moore)
...t:	Thursday, June 28, 2012 6:15 PM
To:	Sen. Ralph Hise; Sen. Fletcher Hartsell, Jr.; Sen. Stan Bingham
Cc:	Shelly Carver (Sen. Hise); Gerry Johnson (Sen. Hartsell); Judy Chriscoe (Sen. Bingham)
Subject:	<NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Thu, 06-28-2012 at 5 minutes after session

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

BILL SPONSOR NOTIFICATION

2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, June 28, 2012

TIME: 5 minutes after session

LOCATION: 1327 LB

COMMENTS:

The following bills will be considered:

ILL NO.	SHORT TITLE	SPONSOR

SB 227	Haywood Community College Leases.	Senator Hise
SB 626	PED to Study DENR Action/Alcoa Contamination.	Senator Hartsell Senator Bingham

Respectfully,

Representative T. Moore, Chair

Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

6 PM o'clock on **June 28, 2011.**

Principal Clerk

ading Clerk – House Chamber

Nancy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 227
State and Local Government Committee Substitute Adopted 3/16/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S227-PCS35399-LB-132

Short Title: School Bus Crash Reports Name Disclosure. (Public)

Sponsors:

Referred to:

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE NAME AND ADDRESS OF A MINOR CHILD INVOLVED IN A SCHOOL BUS CRASH MAY BE DISCLOSED ONLY IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-166.1(h)(3) reads as rewritten:

"(h) Forms. – The Division shall provide forms or procedures for submitting crash data to persons required to make reports under this section and the reports shall be made in a format approved by the Commissioner. The following information shall be included about a reportable crash:

...

(3) The persons and vehicles ~~involved.~~involved, except that the name and address of a minor child involved in a school bus crash who is a passenger on a school bus may only be disclosed to (i) the local board of education, (ii) the State Board of Education, (iii) the parent or guardian of the child, (iv) an insurance company investigating a claim arising out of the crash, (v) an attorney representing a person involved in the crash, and (vi) law enforcement officials investigating the crash. As used in this subdivision, school bus also includes a school activity bus as defined by G.S. 20-4.01(27).

...."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 626
Program Evaluation Committee Substitute Adopted 5/10/11

Short Title: PED to Study DENR Action/Alcoa Contamination. (Public)

Sponsors:

Referred to:

April 19, 2011

A BILL TO BE ENTITLED

AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE PROGRESS OF CLEANUP AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' HANDLING OF CONTAMINATION PRESENT IN THE AREA SURROUNDING THE FACILITY OWNED BY ALCOA POWER GENERATING, INC., LOCATED IN THE TOWN OF BADIN IN STANLY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Program Evaluation Division of the General Assembly shall study the progress of cleanup and the Department of Environment and Natural Resources' handling of contamination at the facility owned by Alcoa Power Generating, Inc., and the surrounding area, located in the Town of Badin in Stanly County.

SECTION 1.(b) The Program Evaluation Division shall submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee and the Environmental Review Commission no later than February 1, 2012.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 626
PROPOSED HOUSE COMMITTEE SUBSTITUTE S626-CSTG-55 [v.2]

6/28/2012 1:03:37 PM

Short Title: LRC to Study Ferry Tolls/Juv. Justice Reforms. (Public)

Sponsors:

Referred to:

April 19, 2011

A BILL TO BE ENTITLED

AN ACT DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FERRY TOLLS AND JUVENILE JUSTICE REFORMS.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission shall study the topics listed below and report its findings, together with any recommended legislation, to the 2013 Regular Session of the 2013 General Assembly upon its convening:

(1) The Legislative Research Commission shall study the economic impact of ferry tolls, if any, on business, travel, and tourism in the coastal areas of the State. In its study the Commission shall consider the types of traffic that use the ferry, including the following: business commuter traffic; island to mainland traffic; county courthouse traffic for each of the coastal counties served by the ferry; school bus traffic; emergency vehicle traffic; and county vehicle traffic. The Commission may also consider any other issues relevant to this study.

(2) The Legislative Research Commission shall study North Carolina's current juvenile justice system and identify reforms that may reduce long-term recidivism. In conducting its study, the Commission shall do all of the following:

a. Determine what juvenile justice reforms are needed to implement the proposal in Senate Bill 434, Edition 3, for raising the age for misdemeanors.

b. Study evidence-based models for reducing juvenile recidivism, such as the Juvenile Detention Alternatives Initiative of the Annie E. Casey Foundation, including models to reduce inappropriate or unnecessary use of secured detention.

c. Study how best to reserve secure facilities for the most troubled youth. This shall include assessing the recidivism rates and costs and benefits of alternatives to placement programs in the juvenile justice system, such as electronic monitoring.

d. Consider best practices among community-based programs, such as the Juvenile Crime Prevention Council System, that utilize evidence-based programs to reduce youth recidivism.

e. Determine how to prepare local prisons for implementation of Department of Justice regulations related to the Prison Rape Elimination Act of 2003, P.L. 108-79, including ensuring that all youth under the age of 18 are held separately from adults.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 227
State and Local Government Committee Substitute Adopted 3/16/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S227-PCS35399-LB-132

Short Title: School Bus Crash Reports Name Disclosure. (Public)

Sponsors:

Referred to:

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE NAME AND ADDRESS OF A MINOR CHILD INVOLVED IN A SCHOOL BUS CRASH MAY BE DISCLOSED ONLY IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-166.1(h)(3) reads as rewritten:

"(h) Forms. – The Division shall provide forms or procedures for submitting crash data to persons required to make reports under this section and the reports shall be made in a format approved by the Commissioner. The following information shall be included about a reportable crash:

...

(3) The persons and vehicles ~~involved.~~involved, except that the name and address of a minor child involved in a school bus crash who is a passenger on a school bus may only be disclosed to (i) the local board of education, (ii) the State Board of Education, (iii) the parent or guardian of the child, (iv) an insurance company investigating a claim arising out of the crash, (v) an attorney representing a person involved in the crash, and (vi) law enforcement officials investigating the crash. As used in this subdivision, school bus also includes a school activity bus as defined by G.S. 20-4.01(27).

...."

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

2012 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 626 A BILL TO BE ENTITLED AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE PROGRESS OF CLEANUP AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' HANDLING OF CONTAMINATION PRESENT IN THE AREA SURROUNDING THE FACILITY OWNED BY ALCOA POWER GENERATING, INC., LOCATED IN THE TOWN OF BADIN IN STANLY COUNTY.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to ~~the original bill.~~ the Senate Committee Substitute.

(FOR JOURNAL USE ONLY)

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

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

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

2012 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 227 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF HAYWOOD COMMUNITY COLLEGE TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

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

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

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

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
July 2, 2012

The Committee on Rules, Calendar and Operations of the House met on July 2, 2012 at 10:35 a.m. in room 1327 of the Legislative Building. The following members were present: Representative Moore, Chair, Representative LaRoque, Chair; Representative Owens, Vice Chair; Representatives Alexander, Daughtry, Folwell, Gillespie, Hackney, Johnson, Luebke, McComas, Moffitt, Saine, Samuelson, Stam and Stone.

Rep. Moore presided.

The Following Bill was considered:

S847, GSC Technical Corrections/Other Changes. (Senators Fletcher and Hartsell, Primary Sponsors). Rep. Moore recognized Senator Hartsell to explain the bill. Rep. Moore recognized Rep. Hackney to send forth and amendment (#1). Rep. Hackney asked that Rep. Martin be recognized to explain the amendment. Rep. Moore recognized Rep. Martin. Rep. Hackney motioned for adoption of the amendment. Vote was called, and the amendment passed. Rep. Moore recognized Rep. Hackney who sent forth an amendment (#2). He was then recognized for a technical change to the amendments. No discussion or debate on the amendment. Rep. Hackney was recognized by Chairman Moore. He motioned for the amendment to be adopted. Vote was called and the amendment passed. Rep. Moore recognized Rep. LaRoque who sent forth an amendment (#3). Rep. LaRoque explained the amendment. Vote was called and the amendment passed.

Rep. Moore recognized the time and recessed until notice in the Chamber.

Chair Moore adjourned at 11:25 a.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

Lisa Kennedy (Rep. LaRoque)

n: Nancy Garriss (Rep. Tim Moore)
:: Monday, July 02, 2012 9:47 AM
Subject: FW: <NCGA> House Rules, Calendar, and Operations of the House Committee Meeting Notice for Mon, 07-02-2012 at 10:30 am

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

BILL SPONSOR NOTIFICATION

2011-2012 SESSION

You are hereby notified that the Committee on **Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Monday, July 2, 2012

TIME: 10:30 am

LOCATION: 1327 LB

COMMENTS:

The following bills will be considered:

ILL NO.	SHORT TITLE	SPONSOR

SB 847	General Statutes Comm. Technical Corrections.	Senator Hartsell

Respectfully,

Representative T. Moore, Chair

Representative LaRoque, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

6 PM o'clock on **June 28, 2011.**

Principal Clerk

Reading Clerk – House Chamber

...ncy Garriss (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 847*
Rules and Operations of the Senate Committee Substitute Adopted 6/27/12
Third Edition Engrossed 6/27/12

Short Title: GSC Technical Corrections/Other Changes. (Public)

Sponsors:

Referred to:

May 22, 2012

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS.

The General Assembly of North Carolina enacts:

PART I. GENERAL STATUTES COMMISSION TECHNICAL CORRECTIONS

SECTION 1.(a) The intent of this section is to codify the permanent reductions to the minimum number of magistrates in various counties and the number of full-time assistant district attorneys in certain prosecutorial districts that have been made by the Administrative Office of the Courts pursuant to Section 15.14 of S.L. 2010-31, as added by Section 6.4 of S.L. 2010-123, to the end that the General Statutes reflect the actual authorized numbers of magistrates and assistant district attorneys.

SECTION 1.(b) G.S. 7A-60(a1) reads as rewritten:

"(a1) **(See Editor's note for staffing changes)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3A	Pitt	11
3B	Carteret, Craven, Pamlico	12
4	Duplin, Jones, Onslow, Sampson	18
5	New Hanover, Pender	18
6A	Halifax	5
6B	Bertie, Hertford,	65

	Northampton	
7	Edgecombe, Nash, Wilson	~~19~~18
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	~~12~~10
9A	Person, Caswell	6
10	Wake	~~42~~41
11A	Harnett, Lee	9
11B	Johnston	10
12	Cumberland	23
13	Bladen, Brunswick, Columbus	13
14	Durham	18
15A	Alamance	11
15B	Orange, Chatham	10
16A	Scotland, Hoke	7
16B	Robeson	~~13~~12
17A	Rockingham	7
17B	Stokes, Surry	8
18	Guilford	32
19A	Cabarrus	9
19B	Montgomery, Randolph	~~10~~9
19C	Rowan	8
19D	Moore	5
20A	Anson, Richmond, Stanly	~~12~~11
20B	Union	10
21	Forsyth	25
22A	Alexander, Iredell	11
22B	Davidson, Davie	11
23	Alleghany, Ashe, Wilkes, Yadkin	8
24	Avery, Madison, Mitchell, Watauga, Yancey	7
25	Burke, Caldwell, Catawba	~~19~~18
26	Mecklenburg	58
27A	Gaston	~~15~~14
27B	Cleveland, Lincoln	11
28	Buncombe	14
29A	McDowell, Rutherford	7
29B	Henderson, Polk, Transylvania	8
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	~~11~~10

SECTION 1.(c) G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

		Additional

County	Magistrates Min.	Seats of Court
Camden	3	
Chowan	3	
Currituck		4
Dare	6	
Gates	2	
Pasquotank	~~5~~4	
Perquimans	3	
Martin	4	
Beaufort	~~5.05~~5	
Tyrrell	3	
Hyde	3.5	
Washington	~~4~~3	
Pitt	10.5	Farmville Ayden
Craven	~~10~~8	Havelock
Pamlico	3	
Carteret	~~9~~7	
Sampson	~~7~~6	
Duplin	~~8~~4	
Jones	2	
Onslow	11	
New Hanover	11	
Pender	~~4.8~~3.8	
Halifax	~~12~~7	Roanoke Rapids, Scotland Neck
Northampton	5.25	
Bertie	~~5~~3	
Hertford	~~6~~5	
Nash	9	Rocky Mount
Edgecombe	7	Rocky Mount
Wilson	7	
Wayne	9	Mount Olive
Greene	4	
Lenoir	7	La Grange
Granville	~~7~~6.75	
Vance	6	
Warren	3.5	
Franklin	7	
Person	4	
Caswell	~~4~~3	
Wake	18.5	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	~~10~~8	Dunn
Johnston	~~11~~10	Benson, Clayton,

		Selma
Lee	~~5.5~~5	
Cumberland	19	
Bladen	~~5~~4	
Brunswick	9	
Columbus	~~9.5~~7.5	Tabor City
Durham	13	
Alamance	12	Burlington
Orange	~~9~~7	Chapel Hill
Chatham	~~6~~4	Siler City
Scotland	5	
Hoke	~~5~~3	
Robeson	~~15~~13	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	~~9~~7	Reidsville, Eden, Madison
Stokes	5	
Surry	9	Mt. Airy
Guilford	24.4	High Point
Cabarrus	9	Kannapolis
Montgomery	~~5~~4	
Randolph	~~10~~9	Liberty
Rowan	9	
Stanly	~~6~~5	
Union	7	
Anson	~~5~~4	
Richmond	~~6~~5	Hamlet
Moore	~~6.5~~5	Southern Pines
Forsyth	15	Kernersville
Alexander	4	
Davidson	~~10~~8	Thomasville
Davie	4~~3~~	
Iredell	9	Mooresville
Alleghany	2	
Ashe	4~~3~~	
Wilkes	6	
Yadkin	4~~3~~	
Avery	4	
Madison	4	
Mitchell	4	
Watauga	~~5~~4	
Yancey	3	
Burke	~~6.75~~5.6	
Caldwell	~~7~~6	
Catawba	10	Hickory

Mecklenburg	26.50	
Gaston	17	
Cleveland	~~8~~7	
Lincoln	6	
Buncombe	15	
Henderson	6.5	
McDowell	~~4.5~~4	
Polk	4	
Rutherford	~~7~~6	
Transylvania	4	
Cherokee	4	
Clay	2	
Graham	2	
Haywood	~~6.75~~6	Canton
Jackson	~~5~~4	
Macon	3.5	
Swain	~~3.75~~3".	

SECTION 1.(d) Effective January 1, 2013, G.S. 7A-133(c), as amended by subsection (c) of this section, reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Additional Seats of Court
Camden	3	
Chowan	3	
Currituck	~~4~~3	
Dare	~~6~~4	
Gates	2	
Pasquotank	4	
Perquimans	3	
Martin	~~4~~3	
Beaufort	~~5~~4	
Tyrrell	3	
Hyde	3.5	
Washington	3	
Pitt	10.5	Farmville Ayden
Craven	8	Havelock
Pamlico	3	
Carteret	~~7~~6	
Sampson	~~6~~5	
Duplin	4	
Jones	2	
Onslow	11	
New Hanover	11	
Pender	3.8	
Halifax	7	Roanoke Rapids,

		Scotland Neck
Northampton	~~5.25~~3	
Bertie	3	
Hertford	~~5~~3	
Nash	9	Rocky Mount
Edgecombe	7	Rocky Mount
Wilson	7	
Wayne	9	Mount Olive
Greene	~~4~~3	
Lenoir	7	La Grange
Granville	~~6.75~~5	
Vance	6	
Warren	~~3.5~~3	
Franklin	~~7~~4	
Person	4	
Caswell	3	
Wake	18.5	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	8	Dunn
Johnston	10	Benson, Clayton, Selma
Lee	5	
Cumberland	19	
Bladen	~~4~~3	
Brunswick	~~9~~8	
Columbus	~~7.5~~5	Tabor City
Durham	13	
Alamance	12	Burlington
Orange	7	Chapel Hill
Chatham	4	Siler City
Scotland	5	
Hoke	3	
Robeson	~~13~~12	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	7	Reidsville, Eden, Madison
Stokes	~~5~~3	
Surry	~~9~~6	Mt. Airy
Guilford	24.4	High Point
Cabarrus	9	Kannapolis
Montgomery	~~4~~3	
Randolph	9	Liberty

Rowan	9	
Stanly	5	
Union	7	
Anson	43	
Richmond	5	Hamlet
Moore	5	Southern Pines
Forsyth	15	Kernersville
Alexander	43	
Davidson	8	Thomasville
Davie	3	
Iredell	9	Mooresville
Alleghany	2	
Ashe	3	
Wilkes	6	
Yadkin	3	
Avery	43	
Madison	43	
Mitchell	43	
Watauga	4	
Yancey	3	
Burke	5.6	
Caldwell	6	
Catawba	10	Hickory
Mecklenburg	26.50	
Gaston	17	
Cleveland	7	
Lincoln	65	
Buncombe	15	
Henderson	6.5	
McDowell	43	
Polk	43	
Rutherford	6	
Transylvania	43	
Cherokee	43	
Clay	2	
Graham	2	
Haywood	65	Canton
Jackson	43	
Macon	3.53	
Swain	3"	

SECTION 1.(e) Subsection (d) of this section is effective January 1, 2013. The remainder of this section is effective when it becomes law.

SECTION 2. G.S. 7B-1112 reads as rewritten:

"**§ 7B-1112. Effects of termination order.**

An order terminating the parental rights completely and permanently terminates all rights and obligations of the parent to the juvenile and of the juvenile to the parent arising from the parental relationship, except that the juvenile's right of inheritance from the juvenile's parent shall not terminate until a final order of adoption is issued. The parent is not thereafter entitled to notice of proceedings to adopt the juvenile and may not object thereto or otherwise participate therein:

(1) If the juvenile had been placed in the custody of or released for adoption by one parent to a county department of social services or licensed child-placing agency and is in the custody of the agency at the time of the filing of the petition or motion, including a petition or motion filed pursuant to ~~G.S. 7B-1103(6),~~G.S. 7B-1103(a)(6), that agency shall, upon entry of the order terminating parental rights, acquire all of the rights for placement of the juvenile, except as otherwise provided in G.S. 7B-908(d), as the agency would have acquired had the parent whose rights are terminated released the juvenile to that agency pursuant to the provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes, including the right to consent to the adoption of the juvenile.

...."

SECTION 3. G.S. 7B-4002 reads as rewritten:

"**§ 7B-4002. Implementation of the Compact.**

(a) The North Carolina State Council for Interstate Juvenile Supervision is hereby established. The ~~Secretary of the Department of Juvenile Justice and Delinquency Prevention,~~ Secretary of Public Safety, or the Secretary's designee, shall serve as the Compact Administrator for the State of North Carolina and as North Carolina's Commissioner to the Interstate Commission. The ~~Secretary of the Department of Juvenile Justice and Delinquency Prevention,~~ Secretary of Public Safety, or the Secretary's designee, is a member of the State Council and serves as chairperson of the State Council. In addition to the chairperson, the State Council shall consist of 10 members as follows:

(1) One member representing the executive branch, to be appointed by the Governor;

(2) One member from a victim's assistance group, to be appointed by the Governor;

(3) One at-large member, to be appointed by the Governor;

(4) One member of the Senate, to be appointed by the President Pro Tempore of the Senate;

(5) One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(6) A district court judge, to be appointed by the Chief Justice of the Supreme Court; and

(7) Four members representing the juvenile court counselors, to be appointed by the ~~Secretary of the Department of Juvenile Justice and Delinquency Prevention.~~ Secretary of Public Safety.

(b) The State Council shall meet at least twice a year and may also hold special meetings at the call of the chairperson. All terms are for three years.

(c) The State Council may advise the Compact Administrator on participation in the Interstate Commission activities and administration of the Compact.

(d) The members of the State Council shall serve without compensation but shall be reimbursed for necessary travel and subsistence expenses in accordance with the policies of the Office of State Budget and Management.

(e) The State Council shall act in an advisory capacity to the ~~Secretary of the Department of Juvenile Justice and Delinquency Prevention~~ Secretary of Public Safety concerning this State's participation in Interstate Commission activities and other duties as may be determined by each member state, including recommendations for policy concerning the operations and procedures of the Compact within this State.

(f) The Governor shall by executive order provide for any other matters necessary for implementation of the Compact at the time that it becomes effective, and, except as otherwise

provided for in this section, the State Council may promulgate rules or regulations necessary to implement and administer the Compact."

SECTION 4.(a) G.S. 14-208.6 reads as rewritten:

"**§ 14-208.6. Definitions.**

The following definitions apply in this Article:

...

(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex offense with a child; adult offender), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), former G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is 13-, 14-, or 15-years-old where the defendant is at least six years older), G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

...."

SECTION 4.(b) G.S. 14-208.26(a) reads as rewritten:

"(a) When a juvenile is adjudicated delinquent for a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.5 (second degree sexual offense), or former G.S. 14-27.6 (attempted rape or sexual offense), and the juvenile was at least eleven years of age at the time of the commission of the offense, the court shall consider whether the juvenile is a danger to the community. If the court finds that the juvenile is a danger to the community, then the court shall consider whether the juvenile should be required to register with the county sheriff in accordance with this Part. The determination as to whether the juvenile is a danger to the community and whether the juvenile shall be ordered to register shall be made by the presiding judge at the dispositional hearing. If the judge rules that the juvenile is a danger to the community and that the juvenile shall register, then an order shall be entered requiring the juvenile to register. The court's findings regarding whether the juvenile is a danger to the community and whether the juvenile shall register shall be entered into the court record. No juvenile may be required to register under this Part unless the court first finds that the juvenile is a danger to the community."

SECTION 5.(a) G.S. 15-196.3 reads as rewritten:

"**§ 15-196.3. Effect of credit.**

Time creditable under this section shall reduce the minimum and maximum term of a sentence; and, irrespective of sentence, shall reduce the time required to attain privileges made available to inmates in the custody of the ~~State~~ Division of Adult Correction of the Department

of Public Safety which are dependent, in whole or in part, upon the passage of a specific length of time in custody, including parole or post-release supervision consideration by the Post-Release Supervision and Parole Commission. However, nothing in this section shall be construed as requiring an automatic award of privileges by virtue of the passage of time."

SECTION 5.(b) G.S. 15A-821(a) reads as rewritten:

"(a) If a judge of a court of general jurisdiction in any other state, which by its laws has made provision for commanding a prisoner within that state to attend and testify in this State, certifies under the seal of that court that there is a criminal prosecution pending in the court or that a grand jury investigation has commenced, and that a person confined in an institution under the control of the ~~State~~ Division of Adult Correction of the Department of Public Safety of North Carolina, other than a person confined as criminally insane, is a material witness in the prosecution or investigation and that his presence is required for a specified number of days, upon presentment of the certificate to a superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the person is confined, upon notice to the Attorney General, the judge must fix a time and place for a hearing and order the person having custody of the prisoner to produce him at the hearing."

SECTION 5.(c) G.S. 66-58(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall not apply to:

...

(15) The ~~State~~ Division of Adult Correction of the Department of Public Safety is authorized to purchase and install automobile license tag plant equipment for the purpose of manufacturing license tags for the State and local governments and for such other purposes as the Division may direct.

The Commissioner of Motor Vehicles, or such other authority as may exercise the authority to purchase automobile license tags is hereby directed to purchase from, and to contract with, the ~~State~~ Division of Adult Correction of the Department of Public Safety for the State automobile license tag requirements from year to year.

The price to be paid to the ~~State~~ Division of Adult Correction of the Department of Public Safety for the tags shall be fixed and agreed upon by the Governor, the ~~State~~ Division of Adult Correction of the Department of Public Safety, and the Motor Vehicle Commissioner, or such authority as may be authorized to purchase the supplies.

...."

SECTION 5.(d) G.S. 148-6 reads as rewritten:

"**§ 148-6. Custody, employment and hiring out of convicts.**

The ~~State~~ Division of Adult Correction of the Department of Public Safety shall provide for receiving, and keeping in custody until discharged by law, all such convicts as may be now confined in the prison and such as may be hereafter sentenced to imprisonment therein by the several courts of this State. The Division shall have full power and authority to provide for employment of such convicts, either in the prison or on farms leased or owned by the State of North Carolina, or elsewhere, or otherwise; and may contract for the hire or employment of any able-bodied convicts upon such terms as may be just and fair, but such convicts so hired, or employed, shall remain under the actual management, control and care of the Division."

SECTION 5.(e) This section is repealed if any of the following bills become law: House Bill 969, 2011 Regular Session, Senate Bill 880, 2011 Regular Session, or Senate Bill 881, 2011 Regular Session.

SECTION 6. G.S. 15A-101.1 reads as rewritten:

"**§ 15A-101.1. Electronic technology in criminal process and procedure.**

As used in this Chapter, in Chapter 7A of the General Statutes, in Chapter 15 of the General Statutes, and in all other provisions of the General Statutes that deal with criminal process or procedure:

...

(3a) "Electronic monitoring" or "electronically monitor" or "satellite-based monitoring" means monitoring with an electronic monitoring device that is not removed from a person's body, that is utilized by the supervising agency in conjunction with a Web-based computer system that actively monitors, identifies, tracks, and records a person's location at least once every minute 24 hours a day, that has a battery life of at least 48 hours without being recharged, that timely records and reports or records the person's presence near or within a crime scene or prohibited area or the person's departure from a specified geographic location, and that has incorporated into the software the ability to automatically compare crime scene data with locations of all ~~person's~~ persons being electronically monitored so as to provide any correlation daily or in real time. In areas of the State where lack of cellular coverage requires the use of an alternative device, the supervising agency shall use an alternative device that works in concert with the software and records location and tracking data for later download and crime scene comparison.

...."

SECTION 7.(a) G.S. 15A-1344(c) reads as rewritten:

"(c) Procedure on Altering or Revoking Probation; Returning Probationer to District Where Sentenced. — When a judge reduces, terminates, extends, modifies, or revokes probation outside the county where the judgment was entered, the clerk must send a copy of the order and any other records to the court where probation was originally imposed. A court on its own motion may return the probationer to 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 probation was imposed or where the probationer resides for reduction, termination, continuation, extension, modification, or revocation of probation. In cases where the probation is revoked in a county other than the county of original conviction the clerk in that county must issue a commitment order and must file the order revoking probation and the commitment order, which will constitute sufficient permanent record of the proceeding in that court, and must send a certified copy of the order revoking probation, the commitment order, and all other records pertaining thereto to the county of original conviction to be filed with the original records. The clerk in the county other than the county of original conviction must issue the formal commitment to the ~~North Carolina~~ Division of Adult Correction of the Department of Public Safety."

SECTION 7.(b) G.S. 15A-1344(d) and (e) read as rewritten:

"(d) Extension and Modification; Response to Violations. — At any time prior to the expiration or termination of the probation period or in accordance with subsection (f) of this section, the court may after notice and hearing and for good cause shown extend the period of probation up to the maximum allowed under G.S. 15A-1342(a) and may modify the conditions of probation. A hearing extending or modifying probation may be held in the absence of ~~the defendant, if he~~ a defendant who fails to appear for the hearing after a reasonable effort to notify ~~him.~~ the defendant. If a probationer violates a condition of probation at any time prior to the expiration or termination of the period of probation, the court, in accordance with the provisions of G.S. 15A-1345, may continue ~~him~~ the defendant on probation, with or without modifying the conditions, may place the defendant on special probation as provided in subsection (e), or, if continuation, modification, or special probation is not appropriate, may revoke the probation and activate the suspended sentence imposed at the time of initial

sentencing, if any, or may order that charges as to which prosecution has been deferred be brought to trial; provided that probation may not be revoked solely for conviction of a Class 3 misdemeanor. The court, before activating a sentence to imprisonment established when the defendant was placed on probation, may reduce the sentence, but the reduction shall be consistent with subsection (d1) of this section. A sentence activated upon revocation of probation commences on the day probation is revoked and runs concurrently with any other period of probation, parole, or imprisonment to which the defendant is subject during that period unless the revoking judge specifies that it is to run consecutively with the other period.

(e) Special Probation in Response to Violation. — When a defendant has violated a condition of probation, the court may modify ~~his~~ the probation to place ~~him~~ the defendant on special probation as provided in this subsection. In placing ~~him~~ the defendant on special probation, the court may continue or modify the conditions of ~~his~~ probation and in addition require that ~~he~~ the defendant submit to a period or periods of imprisonment, either continuous or noncontinuous, at whatever time or intervals within the period of probation the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the ~~Rules and Regulations~~rules and regulations of the Division of Adult Correction of the Department of Public Safety governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in either the custody of the Division of Adult Correction of the Department of Public Safety or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment imposed for the offense. For probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. No confinement other than an activated suspended sentence may be required beyond the period of probation or beyond two years of the time the special probation is imposed, whichever comes first."

SECTION 7.(c) Subsection (a) of this section is repealed if any of the following bills become law: House Bill 969, 2011 Regular Session, Senate Bill 880, 2011 Regular Session, or Senate Bill 881, 2011 Regular Session.

SECTION 8. G.S. 20-9(d) is repealed.

SECTION 9. G.S. 20-141(j2) reads as rewritten:

"(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under this section shall be required to pay a penalty of two hundred fifty dollars ($250.00). This penalty shall be imposed in addition to those penalties established in this Chapter. A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. The additional penalty imposed by this subsection applies only if ~~sign~~ signs are posted at the beginning and end of any segment of the highway work zone stating the penalty for speeding in that segment of the work zone. The Secretary shall ensure that work zones shall only be posted with penalty signs if the Secretary determines, after engineering review, that the posting is necessary to ensure the safety of the traveling public due to a hazardous condition.

A law enforcement officer issuing a citation for a violation of this section while in a highway work zone shall indicate the vehicle speed and speed limit posted in the segment of the work zone, and determine whether the individual committed a violation of G.S. 20-141(j1).

Upon an individual's conviction of a violation of this section while in a highway work zone, the clerk of court shall report that the vehicle was in a work zone at the time of the violation, the vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."

SECTION 10. G.S. 20-146.2(a) reads as rewritten:

"(a) HOV Lanes. – The Department of Transportation may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets and highways on the State Highway System and cities may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes shall be reserved for vehicles with a specified number of passengers as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When HOV lanes have been designated, and have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated buses, and automobiles or other vehicles containing the specified number of persons. Where access restrictions are applied on HOV lanes through designated signing and pavement markings, vehicles shall only cross into or out of an HOV lane at designated openings. A motor vehicle shall not travel in a designated HOV lane if the motor vehicle has more than three axles, regardless of the number of occupants. HOV lane restrictions shall not apply to any of the following:

...

(6) Fuel cell electric vehicles as defined in ~~G.S. 29-4.01(12a),~~ G.S. 20-4.01(12a), regardless of the number of passengers in the vehicle. These vehicles must be able to travel at the posted speed limit while operating in the HOV lane."

SECTION 11. Article 11 of Chapter 25 of the General Statutes is repealed.

SECTION 12. G.S. 28A-2-4(a) reads as rewritten:

"(a) The clerks of superior court of this State, as ex officio judges of probate, shall have original jurisdiction of estate proceedings. Except as provided in subdivision (4) of this subsection, the jurisdiction of the clerk of superior court is exclusive. Estate proceedings include, but are not limited to, the following:

...

(4) Proceedings to ascertain heirs or devisees, to approve ~~family~~ settlement agreements pursuant to G.S. 28A-2-10, to determine questions of construction of wills, to determine priority among creditors, to determine whether a person is in possession of property belonging to an estate, to order the recovery of property of the estate in possession of third parties, and to determine the existence or nonexistence of any immunity, power, privilege, duty, or right. Any party or the clerk of superior court may file a notice of transfer of a proceeding pursuant to this subdivision to the Superior Court Division of the General Court of Justice as provided in G.S. 28A-2-6(h). In the absence of a transfer to superior court, Article 26 of Chapter 1 of the General Statutes shall apply to a trust proceeding pending before the clerk of superior court to the extent consistent with this Article."

SECTION 13.(a) G.S. 28A-5-1(b) reads as rewritten:

"(b) Implied Renunciation by Executor. – If any person named or designated as executor fails to qualify or to renounce within 30 days after the will had been admitted to probate, (i) the clerk of superior court may issue a notice to that person to qualify or move for an extension of time to qualify within 15 days, or (ii) any other person named or designated as executor in the will or any interested person may file a petition in accordance with Article 2 of this Chapter for an order finding that person named or designated as executor to be deemed to have renounced. If that person does not file a response to the ~~motion~~ notice or petition within 15 days from the date of service of the ~~motion~~ notice or petition, the clerk of superior court shall enter an order adjudging that the person has renounced. If the person files a response within 15 days from the

date of service of the ~~motion~~ notice or petition requesting an extension of time within which to qualify or renounce, upon hearing, the clerk of superior court may grant to that person a reasonable extension of time within which to qualify or renounce for cause shown. If that person qualifies within 15 days of the date of service of the ~~motion~~ notice or petition, the clerk of superior court shall dismiss that ~~motion~~ notice or petition, without prejudice, summarily and without hearing."

SECTION 13.(b) G.S. 28A-5-2(b) reads as rewritten:

"(b) Implied Renunciation. –

(1) If any person entitled to apply for letters of administration fails to apply therefor within 30 days from the date of death of the intestate, (i) the clerk of superior court may issue a notice to the person to qualify or move for an extension of time to qualify within 15 days, or (ii) any interested person may file a petition in accordance with Article 2 of this Chapter for an order finding that person to be deemed to have renounced. If the person does not file a response to the notice or petition within 15 days from the date of service of the ~~motion,~~notice or petition, the clerk of superior court shall enter an order adjudging that the person has renounced. If the person files a response within 15 days from the date of service of the ~~motion~~ notice or petition requesting an extension of time within which to qualify or renounce, upon hearing, the clerk of superior court may grant to that person a reasonable extension of time within which to qualify or renounce for cause shown. If the person qualifies within 15 days of the date of service of the ~~motion,~~notice or petition, the clerk of superior court shall dismiss the ~~motion,~~notice or petition, without prejudice, summarily and without hearing and the clerk of superior court shall issue letters to some other person as provided in G.S. 28A-4-1. No notice shall be required to be given to any interested person, but the clerk may give notice as the clerk in the clerk's discretion may determine.

...."

SECTION 14. The catch line of G.S. 30-30 reads as rewritten:

"**§ 30-30. ~~Judgment and order for commissioners.~~Judgment.**"

SECTION 15. G.S. 44A-24.2 reads as rewritten:

"**§ 44A-24.2. Definitions.**

The following definitions apply in this Part:

...

(3) Commercial real estate. – Any real property or interest therein, whether freehold or nonfreehold, which at the time the property or interest is made the subject of an agreement for broker services:

a. Is lawfully used primarily for sales, office, research, institutional, warehouse, manufacturing, industrial, or mining purposes or for multifamily residential purposes involving five or more dwelling units;

b. May lawfully be used for any of the purposes listed in ~~subdivision (3)~~ sub-subdivision (3)a. of this section by a zoning ordinance adopted pursuant to the provisions of Article 18 of Chapter 153A or Article 19 of Chapter 160A of the General Statutes or which is the subject of an official application or petition to amend the applicable zoning ordinance to permit any of the uses listed in ~~subdivision (3)~~ sub-subdivision (3)a. of this section which is under consideration by the government agency with authority to approve the amendment; or

c. Is in good faith intended to be immediately used for any of the purposes listed in ~~subdivision (3)~~ sub-subdivision (3)a. of this section by the parties to any contract, lease, option, or offer to make any contract, lease, or option.

...."

SECTION 16. G.S. 62-36A is recodified as G.S. 62-36.1.

SECTION 17. G.S. 63A-3(b) reads as rewritten:

"(b) Board of Directors. – The Authority shall be governed by a Board of Directors. The Board shall consist of at least the following 20 members:

(1) Six members appointed by the Governor. One member shall be representative of the economic development industry, two members shall be representative of the commercial real estate development industry, two members shall be representative of the banking and finance industry, and one member shall be representative of environmental interests. Of the Governor's six appointments, at least one member shall come from each of the State's three regions: Western, Piedmont, and Eastern.

...."

SECTION 18. G.S. 63A-24 reads as rewritten:

"§ 63A-24. General laws apply to Authority; exceptions.

(a) Except as provided in this section, the general laws that apply to State agencies apply to the Authority. The following general laws, to the extent provided below, do not apply to the Authority:

...

(3) Except for G.S. 146-29.1, 146-79, and 146-80, Chapter 146 of the General Statutes does not apply to the Authority.

(b) Notwithstanding ~~this exemption from Chapter 146 of the General Statutes,~~ G.S. 126-5(c1)(15), the Secretary of Transportation may designate employees of the Authority as subject to Chapter ~~146~~ 126 of the General Statutes."

SECTION 19. G.S. 101-5(f) reads as rewritten:

"(f) If the clerk finds that good and sufficient reasons exist to deny the applicant's request for a name change, it is the clerk's duty not to issue an order changing the name of the applicant from that person's true name to the name sought to be adopted. The order denying the name change shall state the reasons for the denial. If the applicant desires to appeal the clerk's decision, the applicant must petition the chief resident superior court judge within 30 days of the date of the order denying the name change to request a reconsideration of the application. The reconsideration decision of the chief resident superior court judge is final and not subject to appeal. An unsuccessful applicant on reconsideration is subject to a waiting period of 12 months from the date of the adverse decision of the chief resident superior court judge before the applicant may submit another name change application. A successful applicant on reconsideration shall be granted the name change by the clerk in like manner as prescribed by subsection (d) of this section."

SECTION 20.(a) The catch line of G.S. 105-187.70 reads as rewritten:

"§ 105-187.70. (Effective July 1, 2013) Department to comply with ~~Article 4~~Article 3 of Chapter 62A of the General Statutes."

SECTION 20.(b) This section is effective July 1, 2013. This section is repealed if Senate Bill 826, 2011 Regular Session, becomes law.

SECTION 21.(a) G.S. 115C-325(p) reads as rewritten:

"(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation to the contrary, this section shall apply to all persons employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human ~~Services,~~Services and Public ~~Instruction, Correction, or Juvenile Justice and Delinquency~~

~~Prevention [the Division of Juvenile Justice of the Department of Public Safety]~~Instruction and the Divisions of Juvenile Justice and Adult Correction of the Department of Public Safety regardless of the age of the students."

SECTION 21.(b) If House Bill 969, 2011 Regular Session, becomes law and, as enacted, contains the amendment to G.S. 115C-325(p) that appears in Section 42 of the first edition of that bill, that amendment is repealed. If Senate Bill 880, 2011 Regular Session, becomes law and, as enacted, contains the amendment to G.S. 115C-325(p) that appears in Section 41 of the first edition of that bill, that amendment is repealed. If Senate Bill 881, 2011 Regular Session, becomes law, Section 40 of that act is repealed.

SECTION 22.(a) G.S. 120-30.9F reads as rewritten:

"**§ 120-30.9F. Municipalities; municipal attorney.**

The municipal attorney of any municipality covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the United States within 30 days:

(1) Of the time they become laws, any local acts of the General Assembly; and

(2) Of adoption actions of the municipal governing body or ~~board of elections or~~ any other municipal agency or county board of elections which constitutes a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 in that municipality; provided that, if required or allowed by regulations or practices of the United States Department of Justice, a municipal attorney may delay submission of any annexation ordinance or group of ordinances until all previously submitted annexation ordinances have been precleared or otherwise received final disposition."

SECTION 22.(b) G.S. 163-304 reads as rewritten:

"**§ 163-304. State Board of Elections to have jurisdiction over municipal ~~elections and election officials,~~elections, and to advise; emergency and ongoing administration by county board.**

(a) Authority and Duty of State Board. – The State Board of Elections shall have the same authority over municipal elections ~~and election officials~~ as it has over county and State ~~elections and election officials.~~elections. The State Board of Elections shall advise and assist cities, towns, incorporated villages and special districts, their members and legal officers on the conduct and administration of their elections and registration procedure.

The county boards of elections shall be governed by the same rules for settling controversies with respect to counting ballots or certification of the returns of the vote in any municipal or special district election as are in effect for settling such controversies in county and State elections.

(b) through (e) Repealed by Session Laws 2011-31, s. 25, effective April 7, 2011."

SECTION 23. G.S. 120-70.94(a) reads as rewritten:

"(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

(1) Study the budget, programs, and policies of the ~~Departments of Correction, Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention~~ Department of Public Safety to determine ways in which the General Assembly may improve the effectiveness of ~~those Departments.~~the Department.

...

(10) Study the needs of juveniles. This study may include, but is not limited to:

a. Determining the adequacy and appropriateness of services:

1. To children and youth receiving child welfare services;
2. To children and youth in the juvenile court system;
3. Provided by the Division of Social Services of the Department of Health and Human Services and the Division of Juvenile Justice of the Department of Public Safety;
4. To children and youth served by the Mental Health, Developmental Disabilities, and Substance Abuse Services system.

b. Developing methods for identifying and providing services to children and youth not receiving but in need of child welfare services, children and youth at risk of entering the juvenile court system, and children and youth exposed to domestic violence situations.

c. Identifying obstacles to ensuring that children who are in secure or nonsecure custody are placed in safe and permanent homes within a reasonable period of time and recommending strategies for overcoming those obstacles. The Commission shall consider what, if anything, can be done to expedite the adjudication and appeal of abuse and neglect charges against parents so that decisions may be made about the safe and permanent placement of their children as quickly as possible.

...."

SECTION 24. G.S. 122A-3 reads as rewritten:

"**§ 122A-3. Definitions.**

The following definitions apply in this ~~section:~~Chapter:

(1) Agency. – The North Carolina Housing Finance Agency created by this Chapter.

(2) Bonds or notes. – The bonds or the bond anticipation notes or construction loan notes authorized to be issued by the Agency under this Chapter.

(3) Counseling agency. – A nonprofit counseling agency located in North Carolina that is approved by the North Carolina Housing Finance Agency.

(4) Energy conservation loan. – A loan obtained from a mortgage lender for the purpose of satisfying an existing obligation of a borrower who is the resident owner of a single-family dwelling or of "residential housing." The existing obligation of the owner in an "energy conservation loan" must have been incurred to pay for the purchase of materials or the installation of materials, or both, which results in a significant decrease in the amount of consumption of nonrenewable sources of energy in order to provide or maintain a comfortable level of room temperatures in his residence during the winter. "Energy conservation loan" does not include a loan obtained to refinance an existing loan agreement unless payment or collection of the original loan was guaranteed by the Agency.

(5) Federally insured securities. – An evidence of indebtedness secured by a first mortgage lien on residential housing for persons of lower income and insured or guaranteed as to repayment of principal and interest by the United States or any agency or instrumentality thereof.

(6) Governmental agency. – Any department, division, public agency, political subdivision, or other public instrumentality of the State, the federal government, any other State or public agency, or any two or more thereof.

(7) Mortgage or mortgage loan. – A mortgage loan for residential housing, including, without limitation, a mortgage loan to finance, either temporarily

or permanently, the construction, rehabilitation, improvement, or acquisition and rehabilitation or improvement of residential housing and a mortgage loan insured or guaranteed by the United States or an instrumentality thereof or for which there is a commitment by the United States or an instrumentality thereof to insure such a mortgage. A mortgage obligation may be evidenced by a security document and secured by a lien upon real property, including a deed of trust and land sale agreement. Mortgage also means an obligation evidenced by a security lien on real property upon which an owner-occupied mobile home is located.

(8) Mortgage lenders. – Any bank or trust company, savings bank, national banking association, savings and loan association, or building and loan association, life insurance company, mortgage banking company, the federal government, and any other financial institution authorized to transact business in the State.

(9) Mortgagee. – The owner of a beneficial interest in a mortgage loan, the servicer for the owner of a beneficial interest in a mortgage loan, or the trustee for a securitized trust that holds title to a beneficial interest in a mortgage loan.

(10) Obligations. – Any bonds or bond anticipation notes authorized to be issued by the Agency under the provisions of this Chapter.

(11) Persons and families of lower income. – Persons and families deemed by the Agency to require such assistance as is made available by this Chapter on account of insufficient personal or family income, taking into consideration, without limitation, (i) the amount of the total income of such persons and families available for housing needs, (ii) the size of the family, (iii) the cost and condition of housing facilities available, (iv) the eligibility of such persons and families for federal housing assistance of any type predicated upon a lower-income basis, and (v) the ability of such persons and families to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing decent, safe, and sanitary housing and deemed by the Agency therefore to be eligible to occupy residential housing financed wholly or in part, with mortgages, or with other public or private assistance.

(12) Rehabilitation. – The renovation or improvement of residential housing by the owner of said residential housing.

(13) Residential housing. – A specific work or improvement undertaken primarily to provide dwelling accommodations for persons and families of lower income, including the rehabilitation of buildings and improvements, and such other nonhousing facilities as may be incidental or appurtenant thereto.

(14) State. – The State of North Carolina."

SECTION 25. G.S. 126-3(b) reads as rewritten:

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

(1) Providing policy and rule development for the Commission and implementing and administering all policies, rules, and procedures established by the ~~Commission;~~Commission.

(2) Providing training in personnel management to agencies, departments, and institutions including train-the-trainer programs for those agencies, departments, and institutions who request such training and where sufficient staff and expertise exist to provide the training within their respective agencies, departments, and ~~institutions;~~institutions.

(3) Providing technical assistance in the management of personnel programs and activities to agencies, departments, and ~~institutions;~~institutions.

(4) Negotiating decentralization agreements with all agencies, departments, and institutions where it is cost-effective to include delegation of authority for certain classification and corresponding salary administration actions and other personnel programs to be specified in the ~~agreements;~~agreements.

(5) Administering such centralized programs and providing services as approved by the Commission which have not been transferred to agencies, departments, and institutions or where this authority has been rescinded for ~~noncompliance;~~noncompliance.

(6) Providing approval authority of personnel actions involving classification and compensation where such approval authority has not been transferred by the Commission to agencies, departments, and institutions or where such authority has been rescinded for ~~noncompliance;~~noncompliance.

(7) Maintaining a computer database of all relevant and necessary information on employees and positions within agencies, departments, and institutions in the State's personnel ~~system;~~system.

(8) Developing criteria and standards to measure the level of compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards in agencies, departments, and institutions to which authority has been delegated for classification, salary administration and other decentralized programs, and determining through routine monitoring and periodic review process, that agencies, departments, and institutions are in compliance or noncompliance with established Commission policies, rules, procedures, criteria, and ~~standards; and~~standards.

(9) Implementing corrective actions in cases of ~~noncompliance; [and]~~ noncompliance.

(10) Administering the State employee suggestion program (NC-Thinks)."

SECTION 26. G.S. 127A-110(f) reads as rewritten:

"(f) (1) Any amount obtained by any person by settlement with, judgment against, or otherwise from the third party by reason of the injury or death shall be disbursed by order of the court for the following purposes and in the following order of priority:

a. First to the payment of actual court costs taxed by judgment.

b. Second to the payment of the fee of the attorney representing the person making settlement or obtaining judgment, and this fee shall not exceed one third of the amount obtained or recovered of the third party.

c. Third to the reimbursement of the State for all benefits by way of compensation or medical treatment expense paid or to be paid by the State pursuant to G.S. 127A-108.

d. Fourth to the payment of any amount remaining to the member or personal representative.

(2) The attorney fee paid under subdivision (1) of this ~~section~~ subsection shall be paid by the member and the State in direct proportion to the amount each shall receive under sub-subdivisions (1)c. and d. of this subsection and shall be deducted from the payments when distribution is made."

SECTION 27. G.S. 130A-40.1(b) reads as rewritten:

"(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. The Secretary of Health and Human

Services shall report any approval under this section to the Joint Legislative Oversight Committee on Health and Human Services."

SECTION 28. G.S. 130A-309.10(e) reads as rewritten:

"(e) No person shall distribute, sell, or offer for sale in this State any rigid plastic container, including a plastic beverage ~~container~~ container, unless the container has a molded label indicating the plastic resin used to produce the container. The code shall consist of a number placed within three triangulated arrows and letters placed below the triangulated arrows. The three arrows shall form an equilateral triangle with the common point of each line forming each angle of the triangle at the midpoint of each arrow and rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the arrowhead from the base of the adjacent arrow. The triangle formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The label shall appear on or near the bottom of the container and be clearly visible. A container having a capacity of less than eight fluid ounces or more than five gallons is exempt from the requirements of this subsection. The numbers and letters shall be as follows:

(1) For polyethylene terephthalate, the letters "PETE" and the number 1.
(2) For high density polyethylene, the letters "HDPE" and the number 2.
(3) For vinyl, the letter "V" and the number 3.
(4) For low density polyethylene, the letters "LDPE" and the number 4.
(5) For polypropylene, the letters "PP" and the number 5.
(6) For polystyrene, the letters "PS" and the number 6.
(7) For any other, the letters "OTHER" and the number 7."

SECTION 29. G.S. 131E-129(a) reads as rewritten:

"(a) Violation Classification and Penalties. – The Department of Health and Human Services shall impose an administrative penalty in accordance with provisions of this Article on any facility which is found to be in violation of the requirements of G.S. 131E-117 or applicable State and federal laws and regulations. Citations for violations shall be classified and penalties assessed according to the nature of the violation as follows:

...

(1b) "Past Corrected Type A1 or Type A2 Violation" means either (i) the violation was not previously identified by the Department or its authorized representative or (ii) the violation was discovered by the facility and was self reported, but in either case the violation has been corrected. In determining whether a penalty should be assessed under this section, the Department shall consider the following factors:

a. Preventive systems in place prior to the violation.
b. Whether the violation or violations were abated immediately. ~~and~~
c. Whether the facility implemented corrective measures to achieve and maintain compliance.
d. Whether the facility's system to ensure compliance is maintained and continues to be implemented.
e. Whether the regulatory area remains in compliance.

...."

SECTION 30. G.S. 135-48.27 reads as rewritten:

"**§ 135-48.27. Reports to the General Assembly; General Assembly access to information.**

In addition to the reports required by ~~G.S. 135-48.22(d),~~G.S. 135-48.23(d), the State Treasurer, the Executive Administrator, and Board of Trustees shall report to the General Assembly at such times and in such forms as shall be designated by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Employees of the Legislative Services Commission designated by the Legislative Services Officer (i) shall have access to all records related to the Plan of the State Treasurer, the Board of Trustees, the Executive

Administrator, the Claims Processor, and the Plan and (ii) shall be entitled to attend all meetings, including executive sessions, of the Board of Trustees."

SECTION 31. G.S. 135-48.44 reads as rewritten:

"**§ 135-48.44. Cessation of coverage.**

(a) Coverage under this Plan of an employee and his or her surviving spouse or eligible dependent children or of a retired employee and his or her surviving spouse or eligible dependent children shall cease on the earliest of the following dates:

...

(2) The last day of the month in which an employee's employment with the State is terminated as provided in ~~subsection (c)~~subsection (d) of this section.

...

(c) Coverage under the Plan as a surviving dependent child whether covered as a dependent of a surviving spouse, or as an individual member (no living parent), ceases when the child ceases to be a dependent child as defined by G.S. 135-48.1, except coverage may continue under the Plan on a fully contributory basis for a period of not more than 36 months after loss of dependent status.

(d) Termination of employment shall mean termination for any reason, including layoff and leave of absence, except as provided in subdivisions (a)(1) and (2) of this section, but shall not, for purposes of this Plan, include retirement upon which the employee is granted an immediate service or disability pension under and pursuant to a State-supported Retirement System.

(1) In the event of termination for any reason other than death, coverage under the Plan for an employee and his or her eligible spouse or dependent children, provided the eligible spouse or dependent children were covered under the Plan at termination of employment may be continued for a period of not more than 18 months following termination of employment on a fully contributory basis. Employees who were covered under the Plan at termination of employment may be continued for a period of not more than 18 months or 29 months if determined to be disabled under the Social Security Act, Title II, OASDI or Title XVI, SSI.

(2) In the event of approved leave of absence without pay, other than for active duty in the Armed Forces of the United States, coverage under this Plan for an employee and his or her dependents may be continued during the period of such leave of absence by the employee's paying one hundred percent (100%) of the cost.

(3) If employment is terminated in the second half of a calendar month and the covered individual has made the required contribution for any coverage in the following month, that coverage will be continued to the end of the calendar month following the month in which employment was terminated.

(4) Employees paid for less than 12 months in a year, who are terminated at the end of the work year and who have made contributions for the non-work months, will continue to be covered to the end of the period for which they have made contributions, with the understanding that if they are not employed by another State-covered employer under this Plan at the beginning of the next work year, the employee will refund to the ex-employer the amount of the employer's cost paid for them during the non-paycheck months.

(5) Any employee receiving benefits pursuant to Article 6 of this Chapter when the employee has less than five years of retirement membership service, or an employee on leave of absence without pay due to illness or injury for up to 12 months, is entitled to continued coverage under the Plan for the

employee and any eligible dependents by the employee's paying one hundred percent (100%) of the cost.

...."

SECTION 32. G.S. 135-48.50(1) and (5) read as rewritten:

"**§ 135-48.50. Coverage mandates.**

The Plan shall provide coverage subject to the following coverage mandates:

(1) Abortion coverage. – The Plan shall not provide coverage for abortions for which State funds could not be used under G.S. 143C-6-5.5. The Plan shall, however, provide coverage for subsequent complications or related charges arising from an abortion not covered under this subdivision. ~~Reserved.~~

...

(5) ~~Reserved.~~"

SECTION 33. G.S. 143-215.1(a6) reads as rewritten:

"(a6) No permit shall be required to enter into a contract for the construction, installation, or alteration of any treatment works or disposal system or to construct, install, or alter any treatment works or disposal system within the State when the system's or work's ~~principle~~ principal function is to conduct, treat, equalize, neutralize, stabilize, recycle, or dispose of industrial waste or sewage from an industrial facility and the discharge of the industrial waste or sewage is authorized under a permit issued for the discharge of the industrial waste or sewage into the waters of the State. Notwithstanding the above, the permit issued for the discharge may be modified if required by federal regulation."

SECTION 34. G.S. 143C-3-5 reads as rewritten:

"**§ 143C-3-5. Budget recommendations and budget message.**

...

(b) Odd-Numbered Fiscal Years. – In odd-numbered years the budget recommendations shall include the following components:

...

(3) A Current Operations ~~Appropriation~~ Appropriations Act that makes appropriations for each fiscal year of the upcoming biennium for the operating expenses of all State agencies as contained in the Recommended State Budget, together with a Capital Improvements Appropriations Act that authorizes any capital improvements projects.

(4) The biennial State Information Technology Plan as outlined in ~~G.S. 147-33-72B~~ G.S. 147-33.72B to be consistent in facilitating the goals outlined in the Recommended State Budget.

...

(d) Funds Included in Budget. – Consistent with requirements of the North Carolina Constitution, Article 5, ~~Section 7(a),~~Section 7(1), the Governor's Recommended State Budget, together with the Budget Support Document, shall include recommended expenditures of State funds from all Governmental and Proprietary Funds, as those funds are described in G.S. 143C-1-3. Except where provided otherwise by federal law, funds received from the federal government become State funds when deposited in the State treasury and shall be classified and accounted for in the Governor's budget recommendations no differently than funds from other sources.

...."

SECTION 35. G.S. 153A-155(g) reads as rewritten:

"(g) Applicability. – Subsection (c) of this section applies to all counties and county districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of a local act, subsection (c) supersedes that provision. The remainder of this section applies only to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell, Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin,

Durham, Forsyth, Franklin, Granville, Halifax, Haywood, Jackson, Madison, Martin, McDowell, Montgomery, Moore, Nash, New Hanover, ~~New Hanover County District U,~~ Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, Washington, and Wilson Counties, to New Hanover County District U, to Surry County District S, to Watauga County District U, to Wilkes County District K, to Yadkin County District Y, and to the Township of Averasboro in Harnett County and the Ocracoke Township Taxing District."

SECTION 36. G.S. 159-175.10 reads as rewritten:

"**§ 159-175.10. Additional requirements for review of city financing application; communications service.**

The Commission shall apply additional requirements to an application for financing by a city or a joint agency under Part 1 of Article 20 of Chapter 160A of the General Statutes for the construction, operation, expansion, or repair of a communications system or other infrastructure for the purpose of offering communications service, as that term is defined in ~~G.S. 160A-340(2),~~G.S. 160A-340(3), that is or will be competitive with communications service offered by a private communications service provider. This section does not apply to the repair, rebuilding, replacement, or improvement of an existing communications network, or equipment relating thereto, but does apply to the expansion of such existing network. The additional requirements are the following:

(1) Prior to submitting an application to the Commission, a city or joint agency shall comply with the provisions of G.S. 160A-340.3 requiring at least two public hearings on the proposed communications service project and notice of the hearings to private communications service providers who have requested notice.

(2) At the same time the application is submitted to the Commission, the city or joint agency shall serve a copy of the application on each person that provides competitive communications service within the city's jurisdictional boundaries or in areas adjacent to the city. No hearing on the application shall be heard by the Commission until at least 60 days after the application is submitted to the Commission.

(3) Upon the request of a communications service provider, the Commission shall accept written and oral comments from competitive private communications service providers in connection with any hearing or other review of the application.

(4) In considering the probable net revenues of the proposed communications service project, the Commission shall consider and make written findings on the reasonableness of the city or joint agency's revenue projections in light of the current and projected competitive environment for the services to be provided, taking into consideration the potential impact of technological innovation and change on the proposed service offerings and the level of demonstrated community support for the project.

(5) The city or joint agency making the application to the Commission shall bear the burden of persuasion with respect to subdivisions (1) through (4) of this section."

SECTION 37. G.S. 163-258.30(a) reads as rewritten:

"(a) The State Board of Elections shall adopt rules and regulations to carry out the intent and purpose of ~~G.S. 163-278.23 and G.S. 163-278.24~~G.S. 163-258.28 and G.S. 163-258.29 and to ensure that a proper list of persons voting under said sections shall be maintained by the boards of elections, and to ensure proper registration records, and such rules and regulations shall not be subject to the provisions of Article 2A of Chapter 150B of the General Statutes."

SECTION 38. Section 6(c) of S.L. 2011-96 reads as rewritten:

"**SECTION 6.(c)** Notwithstanding the two-year term limitation in G.S. 135-48.20(m), as enacted by Senate Bill 323 of the 2011 Regular Session, the terms of initial appointees under G.S. 135-48.20 shall be as follows and shall begin January 1, 2012:

(1) Two and one-half years. – Appointees under G.S. 135-48.20(i).

(2) Three and one-half years. – Appointees not under G.S. 135-48.20(i)."

SECTION 39. Section 19.1(g) of S.L. 2011-145, as amended by Section 43(c) of S.L. 2011-391, reads as rewritten:

"**SECTION 19.1.(g)** The following statutes are amended by deleting the language "Crime Control and Public Safety" wherever it appears and substituting "Public Safety": G.S. 7A-343.1, 8-50.2, 14-86.1, 14-309.7, 14-309.11, 15B-3, 15B-6, 17C-3, 17C-6, 18B-101, 18B-110, 19-2.1, 20-17.7, 20-39.1, 20-49, 20-79.5, 20-81.12, 20-116, 20-118, 20-119, 20-125, 20-178.1, 20-183.9, 20-183.10, 20-184, 20-185, 20-187, 20-187.1, 20-187.3, 20-188, 20-189, 20-190, 20-191, 20-192, 20-195, 20-196, 20-196.3, 20-196.4, 20-377, 20-379, 20-380, 20-381, 20-382.2, 20-383, 20-387, 20-389, 20-390, 20-391, 20-392, 20-393, 20-396, 20-397, 58-32-1, 58-78-1, 66-165, 66-168, 104E-8, 105-259, 105-269.3, 105-449.44, 120-12.1, 120-70.94, 122C-408, 122C-409, 122C-411, 122C-414, 126-5, 127A-17.1, 127A-19, 127A-20, 127A-21, 127A-22, 127A-35, 127A-40, 127A-42, 127A-43, 127A-54, 127A-57, 127A-80, 127A-81, 127A-107, 127A-139, 127A-161, 127A-162, 127A-163, 127A-164, 127C-2, 130A-475, 143-166.13, 143-215.52, 143-215.56, 143-215.93A, 143-215.94GG, 143-215.94HH, 143-341, 143-355.1, 143-651, 143-652.1, 143-652.2, 143-654, 143-655, 143-658, 143-661, 143-664, 143-726, ~~143A-79.2, 143A-239, 143A-240, 143A-241, 143A-242, 143A-243, 143A-244, 143A-245,~~ 143B-2, 143B-6, 143B-181, 143B-394.15, 143B-417, 143B-426.22, 143B-477, 143B-478, 143B-479, 143B-480, 143B-480.1, 143B-480.2, 143B-480.3, 143B-490, 143B-491, 143B-492, 143B-495, 143B-496, 143B-497, 143B-498, 143B-499, 143B-499.2, 143B-499.4, 143B-499.7, 143B-508, 143B-508.1, Parts 8 and 9 of Article 11 of Chapter 143B of the General Statutes, 143B-510, 146-30, 147-12, 150B-1, 161-11.4, 166A-5, 166A-6, 166A-6.03, 166A-6.1, 166A-14, 166A-18, 166A-21, 166A-26, 166A-28, 166A-60, 166A-61, and 166A-62. In all other instances in which the term "Crime Control and Public Safety" appears in the General Statutes, the Revisor of Statutes shall replace that term with "Public Safety"."

SECTION 40. Section 25 of S.L. 2011-284 is repealed.

SECTION 41. The introductory language of Section 12(b) of S.L. 2011-326 reads as rewritten:

"**SECTION 12.(b)** ~~G.S. 7B-1110.1(a)~~G.S. 7B-1101.1(a) reads as rewritten:".

SECTION 42.(a) The prefatory language of Section 30 of S.L. 2011-391 reads as rewritten:

"**SECTION 30.** Section 13.22(b) of Session Law 2011-145 ~~reads as rewritten:~~is rewritten to read:".

SECTION 42.(b) This section is retroactively effective July 1, 2011.

SECTION 43. The Revisor of Statutes may cause to be printed all explanatory comments of the drafters of S.L. 2011-339 and S.L. 2011-344 as the Revisor deems appropriate.

SECTION 44. The Revisor of Statutes may cause to be printed all explanatory comments of the drafters of S.L. 2011-341 as the Revisor deems appropriate.

PART II. OTHER AMENDMENTS

A. TECHNICAL CHANGES

SECTION 45.(a) G.S. 15A-1331A is recodified as G.S. 15A-1331.1.

SECTION 45.(b) G.S. 20-15.1 reads as rewritten:

"**§ 20-15.1. Revocations when licensing privileges forfeited.**

The Division shall revoke the license of a person whose licensing privileges have been forfeited under ~~G.S. 15A-1331A,~~ G.S. 15A-1331.1, 50-13.12, and 110-142.2. If a revocation period set by this Chapter is longer than the revocation period resulting from the forfeiture of licensing privileges, the revocation period in this Chapter applies."

SECTION 45.(c) G.S. 20-179.3(b)(2) reads as rewritten:

"(b) Eligibility. –

...

(2) Any person whose licensing privileges are forfeited pursuant to ~~G.S. 15A-1331A~~ G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds that at the time of the forfeiture, the person held either a valid drivers license or a drivers license that had been expired for less than one year and

a. The person is supporting existing dependents or must have a drivers license to be gainfully employed; or

b. The person has an existing dependent who requires serious medical treatment and the defendant is the only person able to provide transportation to the dependent to the health care facility where the dependent can receive the needed medical treatment.

The limited driving privilege granted under this subdivision must restrict the person to essential driving related to the purposes listed above, and any driving that is not related to those purposes is unlawful even though done at times and upon routes that may be authorized by the privilege."

SECTION 45.(d) G.S. 113-277(a4) reads as rewritten:

"(a4) The Wildlife Resources Commission shall order the surrender of any license or permit issued under this Article to a person whose licensing privileges have been forfeited under ~~G.S. 15A-1331A~~ G.S. 15A-1331.1 for the period specified by the court."

SECTION 45.(e) If Senate Bill 707, 2011 Regular Session, becomes law, G.S. 15A-1331B, as enacted by that act, is recodified as G.S. 15A-1331.2.

SECTION 45.5. G.S. 18B-1305(a1), as enacted by Section 1 of S.L. 2012-4, reads as rewritten:

"(a1) Termination by a Small Brewery. – A brewery's authorization to distribute its own malt beverage products pursuant to ~~G.S. 18B-1104(7)~~G.S. 18B-1104(8) shall revert back to the brewery, in the absence of good cause, following the fifth business day after confirmed receipt of written notice of such reversion by the brewery to the wholesaler. The brewery shall pay the wholesaler fair market value for the distribution rights for the affected brand. For purposes of this subsection, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy at the time the self-distribution rights revert back to the brewery, after each party has been provided all information relevant to the transaction."

SECTION 45.7. G.S. 20-79.4(b)(170) reads as rewritten:

"(170) Purple Heart Recipient. – Issuable to a recipient of the Purple Heart award. The plate shall bear the phrase "Purple Heart Veteran, Combat ~~Wounded" and the letters "PH".~~Wounded." A person may obtain from the Division a special registration plate under this subdivision for the registered owner of a motor vehicle or a motorcycle. A motorcycle plate issued under this subdivision shall bear a depiction of the Purple Heart Medal and the phrase "Purple Heart Veteran, Combat Wounded.""

SECTION 46.(a) G.S. 66-421(a) reads as rewritten:

"(a) Issuance of Permits. – The sheriff of each county shall issue a nonferrous metals purchase permit to an applicant if the applicant (i) has a fixed site in the sheriff's county; (ii) declares on a form provided by the sheriff that the applicant is informed of and will comply with the provisions of this Part; (iii) does not have a permit that has been revoked pursuant to

~~G.S. 66-324(b)~~ G.S. 66-424(b) at the time of the application; and (iv) has not been convicted of more than three violations of this Part. A permit shall be valid for 12 months and shall be valid only for fixed sites in the county of issuance. A permit shall be obtained for each fixed site at which nonferrous metals are purchased."

SECTION 46.(b) This section becomes effective October 1, 2012.

SECTION 47.(a) If House Bill 614, 2011 Regular Session, becomes law, G.S. 90-21.102, as enacted by that act, reads as rewritten:

"**§ 90-21.102. Definitions.**

The following definitions apply in this Article:

...

(3) Health care provider. – Any person who:

...

m. Is licensed to practice as a physician, physician assistant, dentist, pharmacist, optometrist, registered nurse, licensed practical nurse, dental hygienist, or optician under provisions of law of another state of the United States comparable to the provisions referenced in sub-subdivisions a. through ~~n.~~l. of this subdivision.

...

(5) Voluntary provision of health care services. – The provision of health care services by a health care provider in association with a sponsoring organization in which both of the following circumstances exist:

a. The health care services are provided without charge to the recipient of the services or to a third party on behalf of the recipient.

b. The health care provider receives no compensation or other consideration in exchange for the health care services provided.

For the purposes of this Article, the provision of health care services in ~~non-profit~~ nonprofit community health centers, local health department facilities, free clinic facilities, or at a ~~providers~~ provider's place of employment when the patient is referred by a ~~non-profit~~ nonprofit community health referral service shall not be considered the voluntary provision of health care."

SECTION 47.(b) If House Bill 614, 2011 Regular Session, becomes law, G.S. 90-21.104(d)(1), as enacted by that act, reads as rewritten:

"(d) Each registered sponsoring organization has the duty and responsibility to do all of the following:

(1) Except as provided in this subdivision, by no later than 14 days before a sponsoring organization initiates voluntary health care services in this State, the sponsoring organization shall submit to the Department a list containing the following information regarding each health care provider who is to provide voluntary health care services on behalf of the sponsoring organization during any part of the time period in which the sponsoring organization is authorized to provide voluntary health care services in the State:

a. Name.

b. Date of birth.

c. State of licensure.

d. License number.

e. Area of practice.

f. Practice address.

By no later than 3 days prior to voluntary health care services being rendered, a sponsoring organization may amend the list to add health care providers defined in G.S. 90-21.102(3)a. through ~~G.S. 90-21.102(3)m.~~ G.S. 90-21.102(3)l."

SECTION 47.(c) This section is effective January 1, 2013.

SECTION 48. G.S. 115C-107.7(a1) reads as rewritten:

"(a1) Any corporal punishment administered on students with disabilities shall be consistent with the requirements of ~~G.S. 115C-391(a)(5).~~G.S. 115C-390.4."

SECTION 49. G.S. 115C-309(a) reads as rewritten:

"(a) Student Teacher and Student Teaching Defined. – A "student teacher" is any student enrolled in an institution of higher education approved by the State Board of Education for the preparation of teachers who is jointly assigned by that institution and a local board of education to student teach under the direction and supervision of a regularly employed certified teacher.

"Student teaching" may include those duties granted to a teacher by G.S. 115C-307 ~~and 115C-390~~ and any other part of the school program for which either the supervising teacher or the principal is responsible."

SECTION 50. If Senate Bill 77, 2011 Regular Session, becomes law, the title of the act reads as rewritten:

"AN ACT PROVIDING THAT AFTER DECEMBER 31, 2012, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TAMPER RESISTANT, TEN YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, ~~AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM,~~ AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE."

SECTION 51. If Senate Bill 229, 2011 Regular Session, is enacted, then Part XXIV of that act reads as rewritten:

"PART XXIV. USE OF TVA SETTLEMENT FUNDS

"SECTION 30. Funds received by the State pursuant to the provisions of the Consent Decree entered into by the State in State of Alabama et al. v. Tennessee Valley Authority, Civil Action 3:11-cv-00170 in the United States District Court for the Eastern District of Tennessee shall be used exclusively to award grants for "Environmental Mitigation Projects" of the types specified in paragraph 128 of the Consent Decree in the following counties: Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga, Yancey."

SECTION 52. If Senate Bill 724, 2011 Regular Session, becomes law, the lead-in language for Section 5 of that act is rewritten to read:

"**SECTION 5.** Section 5 of S.L. 2008-90, as amended by Section 1 of S.L. 2010-36, reads as rewritten:".

SECTION 53. Sections 49 and 50 of S.L. 2012-56 are repealed.

SECTION 54. Section 2.2 of S.L. 2012-18 reads as rewritten:

"**SECTION 2.2.** ~~G.S. 161-10(8a)~~ G.S. 161-10(a)(8a) is repealed."

SECTION 55. G.S. 115C-47(60)a. reads as rewritten:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...

(60) To Ensure That the Unique Needs of Students With Immediate Family Members in the Military Are Met. – Local boards of education shall collect and annually report to the State Board of Education the following information for each school in the local school administrative unit:

a. The number of students who have an immediate family member who has served in the reserve or active components of the Armed Forces of the United States since ~~September 1, 2011.~~September 11, 2001."

SECTION 56. If House Bill 237, 2011 Regular Session, becomes law, Section 8(f) of that act reads as rewritten:

"**SECTION 8.(f)** Reports to Committee. – Whenever a State agency is required by law to report to the General Assembly or to any of its permanent, study, or oversight committees or subcommittees on matters affecting the ~~workforce development~~ workers' compensation system, the Department shall transmit a copy of the report to the cochairs of the Committee."

B. CLARIFYING/CONFORMING CHANGES

SECTION 57. G.S. 20-79.4(b)(11) reads as rewritten:

"(11) American Red Cross. – Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear the ~~phrase "American Red Cross Saving Lives" and a red cross.~~phrases "Proud Supporter," "American Red Cross," and the official American Red Cross logo."

SECTION 58.1. If House Bill 1075, 2011 Regular Session, becomes law, G.S. 35A-1213(f), as enacted by Section 12(c) of that act, reads as rewritten:

"(f) An individual who contracts with, or is employed ~~by~~ by, an entity that contracts with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services may not serve as a guardian for a ward for whom the individual or entity is providing ~~such services.~~these services, unless the individual is a parent of that ward. The prohibition provided in this subsection shall not apply to a member of the ward's immediate family who is under contract with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services and is serving as a guardian as of January 1, 2013. For the purposes of this subsection, the term "immediate family" is defined as a spouse, child, sibling, parent, grandparent, or grandchild. The term also includes stepparents, stepchildren, stepsiblings, and adoptive relationships."

SECTION 58.2.(a) If House Bill 1075, 2011 Regular Session, does not become law, G.S. 122C-122 is repealed.

SECTION 58.2.(b) If House Bill 1075, 2011 Regular Session, does not become law, G.S. 35A-1202(4) reads as rewritten:

"**§ 35A-1202. Definitions.**

When used in the Subchapter, unless a contrary intent is indicated or the context requires otherwise:

...

(4) "Disinterested public agent" ~~means:~~means

~~a.~~ ~~The~~the director or assistant directors of a ~~local human services agency, or~~county department of social services.

~~b.~~ ~~An adult officer, agent, or employee of a State human services agency. The~~Except as provided in G.S. 35A-1213(f), the fact that a disinterested public agent ~~is employed by a State or local human services agency that~~ provides financial assistance, services, or treatment to a ward does not disqualify that person from being appointed as guardian.

...."

SECTION 58.2.(c) If House Bill 1075, 2011 Regular Session, does not become law, G.S. 35A-1213 reads as rewritten:

"**§ 35A-1213. Qualifications of guardians.**

(a) The clerk may appoint as guardian an adult individual, a corporation, or a disinterested public agent. The applicant may submit to the clerk the name or names of

potential guardians, and the clerk may consider the recommendations of the next of kin or other persons.

(b) A nonresident of the State of North Carolina, to be appointed as general guardian, guardian of the person, or guardian of the estate of a North Carolina resident, must indicate in writing his willingness to submit to the jurisdiction of the North Carolina courts in matters relating to the guardianship and must appoint a resident agent to accept service of process for the guardian in all actions or proceedings with respect to the guardianship. Such appointment must be approved by and filed with the clerk, and any agent so appointed must notify the clerk of any change in the agent's address or legal residence. The clerk shall require a nonresident guardian of the estate or a nonresident general guardian to post a bond or other security for the faithful performance of the guardian's duties. The clerk may require a nonresident guardian of the person to post a bond or other security for the faithful performance of the guardian's duties.

(c) A corporation may be appointed as guardian only if it is authorized by its charter to serve as a guardian or in similar fiduciary capacities. A corporation shall meet the requirements outlined in Chapters 55 and 55D of the General Statutes. A corporation will provide a written copy of its charter to the clerk of superior court. A corporation contracting with a public agency to serve as guardian is required to attend guardianship training and provide verification of attendance to the contracting agency.

(d) A disinterested public agent who is appointed by the clerk to serve as guardian is authorized and required to do so; provided, if at the time of the appointment or any time subsequent thereto the disinterested public agent believes that his role or the role of his agency in relation to the ward is such that his service as guardian would constitute a conflict of interest, or if he knows of any other reason that his service as guardian may not be in the ward's best interest, he shall bring such matter to the attention of the clerk and seek the appointment of a different guardian. A disinterested public agent who is appointed as guardian shall serve in that capacity by virtue of his office or employment, which shall be identified in the clerk's order and in the letters of appointment. When the disinterested public agent's office or employment terminates, his successor in office or employment, or his immediate supervisor if there is no successor, shall succeed him as guardian without further proceedings unless the clerk orders otherwise.

(e) Notwithstanding any other provision of this section, an employee of a treatment facility, as defined in G.S. 35A-1101(16), may not serve as guardian for a ward who is an inpatient in or resident of the facility in which the employee works; provided, this subsection shall not apply to or affect the validity of any appointment of a guardian that occurred before October 1, 1987.

(f) An individual who contracts with or is employed by an entity that contracts with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services may not serve as a guardian for a ward for whom the individual or entity is providing these services, unless the individual is a parent of that ward. The prohibition provided in this subsection shall not apply to a member of the ward's immediate family who is under contract with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services and is serving as a guardian as of January 1, 2013. For the purposes of this subsection, the term "immediate family" is defined as a spouse, child, sibling, parent, grandparent, or grandchild. The term also includes stepparents, stepchildren, stepsiblings, and adoptive relationships."

SECTION 58.2.(d) If House Bill 1075, 2011 Regular Session, does not become law, G.S. 35A-1292(a) reads as rewritten:

"**§ 35A-1292. Resignation.**

(a) Any guardian who wishes to resign ~~may apply in writing to the clerk,~~shall file a motion with the clerk setting forth the circumstances of the case. If a general guardian or guardian of the estate, at the time of making the application, also exhibits his final account for

settlement, and if the clerk is satisfied that the guardian has fully accounted, the clerk may accept the resignation of the guardian and discharge him and appoint a successor ~~guardian, but the~~guardian. The guardian so discharged and his sureties are still liable in relation to all matters connected with the guardianship before the ~~discharge.~~discharge and shall continue to ensure that the ward's needs are met until the clerk officially appoints a successor. The guardian shall attend the hearing to modify the guardianship, if physically able."

SECTION 58.2.(e) If House Bill 1075, 2011 Regular Session, does not become law, in order to achieve continuity of care and services, any successor guardian shall make diligent efforts to continue existing contracts entered into under the authority of G.S. 122C-122 where consistent with the best interest of the ward as required by Chapter 35A of the General Statutes.

SECTION 59.(a) G.S. 42-51(a)(3) reads as rewritten:

"**§ 42-51. Permitted uses of the deposit.**

(a) Security deposits for residential dwelling units shall be permitted only for the following:

...

(3) Damages as the result of the nonfulfillment of the rental period, except where the tenant terminated the rental agreement under G.S. 42-45, G.S. 42-45.1, or because the tenant was forced to leave the property because of the landlord's violation of Article 2A of Chapter 42 of the General Statutes or was constructively evicted by the landlord's violation of G.S. 42-42(a)."

SECTION 59.(b) G.S. 42-51(a)(2) reads as rewritten:

"**§ 42-51. Permitted uses of the deposit.**

(a) Security deposits for residential dwelling units shall be permitted only for the following:

...

(2) Damage to the premises, including damage to or destruction of smoke ~~detectors~~ alarms or carbon monoxide ~~detectors.~~alarms."

SECTION 59.(c) Subsection (a) of this section is effective October 1, 2012. Subsection (b) of this section is effective December 1, 2012.

SECTION 60. G.S. 66-58(b) is amended by adding a new subdivision to read:

"**§ 66-58. Sale of merchandise or services by governmental units.**

...

(b) The provisions of subsection (a) of this section shall not apply to:

...

(9a) The North Carolina Forest Service."

SECTION 61. If Senate Bill 521 becomes law, G.S. 93A-83(c) reads as rewritten:

"(c) Required Contents of a Broker Price Opinion or Comparative Market Analysis. – A broker price opinion or comparative market analysis shall be in writing and conform to the standards provided in this Article that ~~may~~ shall include, but are not limited to, the following:

(1) A statement of the intended purpose of the broker price opinion or comparative market analysis.

(2) A brief description of the subject property and property interest to be priced.

(3) The basis of reasoning used to reach the conclusion of the price, including the applicable market data or capitalization computation.

(4) Any assumptions or limiting conditions.

(5) A disclosure of any existing or contemplated interest of the broker issuing the broker price opinion, including the possibility of representing the landlord/tenant or seller/buyer.

(6) The effective date of the broker price opinion.

(7) The name and signature of the broker issuing the broker price opinion and broker license number.
(8) The name of the real estate brokerage firm for which the broker is acting.
(9) The signature date.
(10) A disclaimer stating that "This opinion is not an appraisal of the market value of the property, and may not be used in lieu of an appraisal. If an appraisal is desired, the services of a licensed or certified appraiser shall be obtained. This opinion may not be used by any party as the primary basis to determine the value of a parcel of or interest in real property for a mortgage loan origination, including first and second mortgages, refinances, or equity lines of credit."
(11) A copy of the assignment request for the broker price opinion or comparative market analysis."

SECTION 61.5.(a) If House Bill 462, 2011 Regular Session, becomes law, G.S. 116B-8, as enacted in Section 3 of the act, reads as rewritten:

"**§ 116B-8. Employment of persons with specialized skills or knowledge.**

The Treasurer may employ the services of such independent consultants, real estate managers and other persons possessing specialized skills or knowledge as the Treasurer deems necessary or appropriate for the administration of this Chapter, including valuation, maintenance, upkeep, management, sale and conveyance of property and determination of sources of unreported abandoned property. The Treasurer may also employ the services of an attorney to perform a title search or to provide an accurate legal description of real property which the Treasurer has reason to believe may have escheated. Persons whose services are employed by the Treasurer pursuant to this section to determine sources and amounts of unreported property are subject to the same policies, including confidentiality and ethics, as employees of the Department of State Treasurer assigned to determine sources and amounts of unreported property. If the Treasurer contracts with any other person to conduct an audit under this Chapter, the audit shall not be performed on a contingent fee basis or any other similar method that may impair an auditor's independence or the perception of the auditor's independence by the public. Notwithstanding the preceding sentence, the Treasurer may contract with any other person on a contingent fee basis to conduct audits of life insurance companies where the audit is being conducted for the purpose of identifying unclaimed death benefits or to conduct audits of holders of unredeemed bond funds. Compensation of persons whose services may be employed pursuant to this section on a contingent fee basis shall be limited to twelve percent (12%) of the final assessment."

SECTION 61.5.(b) If House Bill 462, 2011 Regular Session, becomes law, Section 6 of the act reads as rewritten:

"**SECTION 6.** This act becomes effective ~~July~~ October 1, 2012, and applies to audits, determinations of liability, and assessments contracted for on or after that date. Units of local government and the Treasurer shall not renew contingency fee based contracts for these services after ~~July~~ October 1, 2012. Beginning October 1, 2012, the Treasurer, an assessor, a city, or a county shall not assign further audits on a contingency fee basis to an auditing firm under a contract that meets all the following conditions: (i) the contract would have been prohibited under this act had the contract been entered into before October 1, 2012, and (ii) the contract allows the assignment of audits on a discretionary basis by the Treasurer, an assessor, a city, or a county. "

SECTION 62. If House Bill 438 becomes law, G.S. 130A-1.1(b) reads as rewritten:

"(b) A local health department shall ensure that the following 10 essential public health services are available and accessible to the population in each county served by the local health department:

(1) Monitoring health status to identify community health problems.
(2) Diagnosing and investigating health hazards in the community.
(3) Informing, educating, and empowering people about health issues.
(4) Mobilizing community partnerships to identify and solve health problems.
(5) Developing policies and plans that support individual and community health efforts.
(6) Enforcing laws and regulations that protect health and ensure safety.
(7) Linking people to needed personal health care services and ~~assuring~~ ensuring the provision of health care when otherwise unavailable.
(8) ~~Assuring~~ Ensuring a competent public health workforce and personal health care workforce.
(9) Evaluating effectiveness, accessibility, and quality of personal and population-based health services.
(10) Conducting research."

SECTION 62.5. If House Bill 391, 2011 Regular Session, becomes law, G.S. 153A-316.1(a), as enacted by that act, reads as rewritten:

"**§ 153A-316.1. Urban research service district (URSD).**

(a) Standards. – The board of commissioners of a county may establish one or more urban research service districts ("URSD" as used in this Part) that meets the following standards:

(1) The URSD is wholly within a county research and production service district located partly within that county.
(2) The URSD is located wholly within that county.
(3) The URSD is not contained within another URSD.
(4) A petition requesting creation of the URSD signed by at least fifty percent (50%) of the owners of real property in the URSD who own at least fifty (50%) of total area of the real property in the URSD has been presented to the board of commissioners."

SECTION 63. Section 5 of S.L. 2011-236 reads as rewritten:

"**SECTION 5.** This act becomes effective October 1, 2011, and applies to agreements executed on or after that date. Agreements executed prior to October 1, 2011, remain subject to the laws in effect at the time the parties executed the ~~agreement.~~agreement; differences in wording between procedures authorized to establish agreements under the laws repealed by this act and under the superseding laws enacted by this act clarify the permitted procedures under the repealed laws."

C. SUBSTANTIVE CHANGES

SECTION 64. G.S. 18C-151(c) reads as rewritten:

"(c) Before a contract is awarded, the Director shall conduct a thorough background investigation of all of the following:

(1) The potential contractor to whom the contract is to be awarded.
(2) Any parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.
(3) All shareholders with a five percent (5%) or more interest in the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded. For purposes of this subdivision, "shareholders" means any natural person or those individuals with capabilities to make operating decisions for the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

(4) All officers and directors of the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded."

SECTION 65. Part 9 of Article 1 of Chapter 10B of the General Statutes is amended by adding a new section to read:

"**§ 10B-72. Certain notarial acts validated when recommissioned notary failed to again take oath.**

Any acknowledgment taken and any instrument notarized by a person who after recommissioning failed to again take the oath as a notary public is hereby validated. The acknowledgment and instrument shall have the same legal effect as if the person qualified as a notary public at the time the person performed the act. This section shall apply to notarial acts performed on or after August 28, 2010, and before January 12, 2012."

SECTION 66. G.S. 93D-5(c) reads as rewritten:

"(c) No license shall be issued to any person until the person has served as an apprentice as set forth in G.S. 93D-9 for a period of at least one year; provided, that the one-year apprenticeship requirement shall ~~not~~ be waived ~~for persons~~ for:

(1) Persons qualified under ~~G.S. 93D-6; persons~~ G.S. 93D-6.

(2) Persons holding a permanent license as an audiologist under Article 22 of Chapter 90 of the General ~~Statutes~~ Statutes.

(3) Persons holding a temporary license as an audiologist under Article 22 of Chapter 90 of the General Statutes who have undergone 250 hours of supervised activity fitting or selling hearing aids under the direct supervision of a Registered Sponsor.

(4) Persons continuously licensed to fit or sell hearing aids in another state or jurisdiction for the preceding three ~~years; and persons~~ years.

(5) Persons who have worked full-time for one year in the office of and under the direct supervision of an otolaryngologist fitting or selling hearing aids."

SECTION 66.5. 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 9:00 A.M. on the second Wednesday in January next after their election, and on that day they shall meet solely to elect officers, adopt rules, and otherwise organize the session. When they adjourn that day, they stand adjourned until 12:00 noon on the third Wednesday after the second Monday in January next after their election."

SECTION 67. G.S. 146-30(c) reads as rewritten:

"(c) The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this Subchapter, the net proceeds derived from the sale of land or products of land owned by or under the supervision and control of the Wildlife Resources Commission, or acquired or purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net proceeds derived from the sale of land or timber from land owned by or under the supervision and control of the Department of Agriculture and Consumer Services shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture and Consumer Services, to be used for such specific capital improvement projects or other purposes as are provided by transfer of funds from those accounts in the Capital Improvement Appropriations Act. Provided further, the net proceeds derived from the sale of park land owned by or under the supervision and control of the Department of Environment and Natural Resources shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Administration to be used

for the purpose of park land acquisition as provided by transfer of funds from those accounts in the Capital Improvement Appropriations Act. In the Capital Improvement Appropriations Act, line items for purchase of park and agricultural lands will be established for use by the Departments of Administration and Agriculture. The use of such funds for any specific capital improvement project or land acquisition is subject to approval by the Director of the Budget. No other use may be made of funds in these line items without approval by the General Assembly except for incidental expenses related to the project or land acquisition. Additionally with the approval of the Director of the Budget, either Department may request funds from the Contingency and Emergency Fund when the necessity of prompt purchase of available land can be demonstrated and funds in the capital improvement accounts are insufficient. Provided further, the net proceeds derived from the sale of any portion of the land owned by the State in or around the Butner Reservation on or after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Health and Human Services to make capital improvements on or to property owned by the State in the Butner Reservation subject to approval by the Office of State Budget and Management, and may be used to build industrial access roads to industries located or to be located on the Butner Reservation, to construct new city streets in the Butner Reservation, extend water and sewer service on the Butner Reservation, repair storm drains on the Butner Reservation, and for other capital uses on the Reservation as determined by the Secretary. Provided further, notwithstanding any other provision of this Subchapter, the proceeds derived from the lease dispositions of land or facilities owned or under the supervision and control of East Carolina University's Division of Health Sciences for the delivery of health care services shall be deposited in clinical accounts at East Carolina University to be used to improve access to patient care."

SECTION 68.(a) G.S. 143-553(a) reads as rewritten:

"(a) All persons employed by an employing entity as defined by this Part who owe money to the State and whose salaries are paid in whole or in part by State funds must make full restitution of the amount owed as a condition of continuing employment; provided, however, that no employing entity shall terminate for failure to make full restitution the employment of such an employee who owes money to the University of North Carolina Health Care System or to East Carolina University's Division of Health Sciences for health care services."

SECTION 68.(b) G.S. 147-86.11(e) reads as rewritten:

"(e) Elements of Plan. – For moneys received or to be received, the statewide cash management plan shall provide at a minimum that:

(1) Except as otherwise provided by law, moneys received by employees of State agencies in the normal course of their employment shall be deposited as follows:
   a. Moneys received in trust for specific beneficiaries for which the employee-custodian has a duty to invest shall be deposited with the State Treasurer under the provisions of G.S. 147-69.3.
   b. All other moneys received shall be deposited with the State Treasurer pursuant to G.S. 147-77 and G.S. 147-69.1.

(2) Moneys received shall be deposited daily in the form and amounts received, except as otherwise provided by statute.

(3) Moneys due to a State agency by another governmental agency or by private persons shall be promptly billed, collected and deposited.

(4) Unpaid billings due to a State agency other than amounts owed by patients to the University of North Carolina Health Care System or East Carolina University's Division of Health Sciences shall be turned over to the Attorney General for collection no more than 90 days after the due date of the billing,

except that a State agency need not turn over to the Attorney General unpaid billings of less than five hundred dollars ($500.00), or (for institutions where applicable) amounts owed by all patients which are less than the federally established deductible applicable to Part A of the Medicare program, and instead may handle these unpaid bills pursuant to agency debt collection procedures.

(4a) The University of North Carolina Health Care System and East Carolina University's Division of Health Sciences may turn over to the Attorney General for collection accounts owed by patients.

(5) Moneys received in the form of warrants drawn on the State Treasurer shall be deposited by the State agency directly with the State Treasurer and not through the banking system, unless otherwise approved by the State Treasurer.

(6) State agencies shall accept payment by electronic payment in accordance with G.S. 147-86.22 to the maximum extent possible consistent with sound business practices."

SECTION 68.(c) G.S. 147-86.23 reads as rewritten:

"**§ 147-86.23. Interest and penalties.**

A State agency shall charge interest at the rate established pursuant to G.S. 105-241.21 on a past-due account receivable from the date the account receivable was due until it is paid. A State agency shall add to a past-due account receivable a late payment penalty of no more than ten percent (10%) of the account receivable. A State agency may waive a late-payment penalty for good cause shown. If another statute requires the payment of interest or a penalty on a past-due account receivable, this section does not apply to that past-due account receivable. This section does not apply to money owed to the University of North Carolina Health Care System or to East Carolina University's Division of Health Sciences for health care services."

SECTION 69. Section 9(a) of Part IV of Chapter 908 of the 1983 Session Laws, as amended by Chapters 821 and 922 of the 1989 Session Laws, Section 2 of S.L. 2001-402, and Section 1 of S.L. 2011-160, reads as rewritten:

"Sec. 9. (a) Distribution and Use of Proceeds. – The local administrative authority, acting on its own behalf or as agent for each taxing entity, shall distribute the proceeds of the taxes levied in this Part as provided in this subsection. The distribution shall be made by the 20th day of each month following the month in which the tax is collected.

...

(4) Distribution to Charlotte for Convention and Visitor Promotion and Other Tourism-Related Purposes. –

...

d. The Towns of Cornelius, Davidson, and Huntersville shall distribute on a quarterly basis to the Lake Norman Convention and Visitors Bureau from the portion of prepared food and beverage taxes received from the City of Charlotte for the purpose of tourism-marketing promotions an amount not less than the sum of the following:

1. Twenty-eight percent (28%) of the portion of occupancy tax net proceeds received from the local administrative authority.
2. Twenty-five percent (25%) of the portion of prepared food and beverage taxes received from the City of Charlotte."

SECTION 70. If House Bill 950, 2012 Regular Session, becomes law, then Section 10.9F(c)(2) reads as rewritten:

"(2) The recipient (i) resides ~~either~~ in a private living arrangement, a residential facility licensed by the State of North Carolina as an adult care home, or a

combination home as defined in ~~G.S. 131E-101(1a).~~G.S. 131E-101(1a); or (ii) resides in a group home licensed under Chapter 122C of the General Statutes and under 10A NCAC 27G .5601 as a supervised living facility for two or more adults whose primary diagnosis is mental illness, a developmental disability, or substance abuse dependency, and is eligible to receive personal care services under the Medicaid State Plan."

SECTION 71. Article 13A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-210.25B. Persons who shall not be licensed under this Article.**

(a) The board shall not issue or renew any licensure, permit, or registration to any person or entity who has been convicted of a sexual offense against a minor.

(b) For purposes of this Article, the term "sexual offense against a minor" means a conviction of any of the following offenses: G.S. 14-27.4A(a) (sex offense with a child; adult offender), G.S. 14-27.7A (statutory rape or sexual offense of person who is 13, 14, or 15 years old where the defendant is at least six years older), G.S. 14-190.16 (first-degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term shall also include a conviction of the following: any attempt, solicitation, or conspiracy to commit any of these offenses or any aiding and abetting any of these offenses. The term shall also include a conviction in another jurisdiction for an offense which if committed in this State has the same or substantially similar elements to an offense against a minor as defined by this section.

(c) If a person or entity holding a license, permit, or registration in another jurisdiction has the license revoked, suspended, or placed on probation because of a felony conviction other than those enumerated above, the board shall impose a sanction equal to or greater than to the sanction imposed by the other jurisdiction.

(d) If a person or entity holding a license, permit, or registration in another jurisdiction has the license revoked, suspended, or placed on probation because of conduct related to fitness to practice as described in G.S. 90-210.25(e), the board shall impose a sanction equal to or greater than the sanction imposed by the other jurisdiction."

SECTION 72. Except where otherwise provided, this act is effective when it becomes law.

SENATE BILL 847:
GSC Technical Corrections/Other Changes

2011-2012 General Assembly

Committee:	Rules, Calendar, and Operations of the House	**Date:**	June 29, 2012
Introduced by:	Sen. Hartsell	**Prepared by:**	Barbara Riley*
Analysis of:	PCS to Third Edition S847-CSMN-3		Staff Attorney

BILL ANALYSIS:

Sections 1-44, pp. 1-23, are technical changes recommended by the General Statutes Commission.

Sections 44.5-56, pp. 23-26, make technical changes as follows:

Section 44.5 provides that any references in an act of the 2011 Regular Session to a bill of the "2012 Regular Session" shall be deemed to be a reference to a bill of the 2011 Regular Session.

Section 45.(a) recodifies G.S. 15A-1331A as G.S. 15A-1331.1.

Section 45.(b), (c) and **(d)** correct citations in the statutes to reflect the recodification.

Section 45.(e) recodifies G.S. 15A-1331B as G.S. 15A-1331.2 if Senate Bill 707 becomes law.

Section 45.5 amends G.S. 18B-1305(a1) to correct an error in the cross-reference to G.S. 18B-1104(8).

Section 45.7 amends G.S. 20-79.4(b)(170) to remove the requirement that special plates issued to a recipient of the Purple Heart must bear the letters "PH."

Section 46 corrects a statutory reference in G.S. 66-421(a), as enacted by S.L. 2012-46, effective October 1, 2012.

Section 47 corrects statutory references and grammatical errors in House Bill 614, if it becomes law. This section is effective January 1, 2013.

Section 48 corrects a statutory reference in G.S. 115C-107.7(a1).

Section 49 deletes an incorrect statutory reference from G.S. 115C-309(a).

Section 50 fixes the long title of S.L. 2012-92 by removing non-relevant language.

Section 51 adds Swain County to the list of counties that can be awarded grants for "Environmental Mitigation Projects" under the Consent Decree entered into by the State.

Section 52 corrects the Session Law citation in Section 5 of S.L. 2012-77.

Section 53 repeals two sections of S.L. 2012-56 that made unnecessary conforming changes to the statutes.

Section 54 corrects a citation in the prefatory language of Section 2.2 of S.L. 2012-18.

Section 55 changes an incorrectly typed date, 2011, to 2001.

Section 56 corrects the term "workforce development system" to "workers' compensation system," if HB 237 becomes law.

Sections 57-63, pp. 26-31, make clarifying and conforming changes as follows:

Section 57 corrects the phrasing on a special license plate from "American Red Cross Saving Lives" to "Proud Supporter" and "American Red Cross."

Section 58.1, applicable if House Bill 1075 becomes law, prohibits certain providers from serving as guardians to individuals to whom they also provide services pursuant to an LME contract, except for a guardian/service provider who is the ward's parent, or who is an immediate family member under contract to serve both functions as of January 1, 2013.

Section 58.2, applicable if House Bill 1075 does not become law, contains the same prohibition and exceptions to the prohibition as is contained in Section 58.1, and in addition: repeals the authority of qualified area directors, officers, or employees of an area authority to serve as a guardian for adults adjudicated incompetent under Chapter 35A; redefines *disinterested public agent* to mean the director or assistant director of a county department of social services (was local human services agency); and adds training and filing requirements for corporations contracting with the disinterested public agent.

Section 59.(a), (b) and (c) correct a statutory citation and changes "detectors" to "alarms" for consistency. Subsection (a) is effective October 1, 2012, and subsection (b) is effective December 1, 2012.

Section 60 adds The North Carolina Forest Service to the Umstead Act. This conforms to the Type I transfer of the entity made last year.

Section 61 changes "may" to "shall" regarding proposed standards which must be included in a broker price opinion or comparative market analysis.

Section 61.5.(a) amends G.S. 116B-8 to limit the compensation paid to any persons permitted to be employed by the Treasurer on a contingent fee basis to 12% of the final assessment.

Section 61.5.(b) provides that the restrictions on the use of contingency fee audit contracts by the Secretary of Revenue and the State Treasurer imposed by Senate Bill 462, if enacted, have an effective date of October 1, 2012, and that the Treasurer shall not renew a contingency fee contract giving the Treasurer discretion to assign the audits after October 1, 2012, if the contract would have been prohibited if entered into after October 1, 2012. This section also provides that Senate Bill 462's restrictions on the use of contingent fee audit contracts by cities and counties become effective July 1, 2013, and expire July 1, 2015.

Section 62 corrects a grammatical error.

Section 62.5 clarifies a provision in House Bill 391 which would authorize additional permitted uses in county research and production districts including mixed-use development that combines residential, retail, and business use (USRD). This section clarifies that each USRD must be completely contained within a county research and production service district.

Section 63 clarifies that changes to "payable on death accounts" legislation did not alter the process for creating the accounts.

Sections 63.5-70, pp. 31-36, make substantive changes as follows:

Section 63.5 amends G.S. 7A-41.1(b) to revise the process for selecting the senior resident superior court judge for each district or set of districts. If the district or set of districts has two or more regular resident superior court judges, the senior resident superior court judge will be the judge having the most continuous service in that office. Between two or more judges having equal seniority, the eldest will be selected. If a set of districts is wholly contained in one county and is the sole proper venue for certain actions, the senior resident superior court judge will be chosen by and serve at the pleasure of the Chief Justice of the Supreme Court.

Section 64 amends the Lottery Commission statutes to limit the scope of the definition of "shareholders" who are to be investigated before contracts can be awarded. Shareholders are any natural persons or individuals with capabilities to make operating decisions for potential contractors.

Section 65 cures notarial acts performed on or after August 28, 2010, and before January 12, 2012, by a person who failed to take the oath of office again after recommissioning as required by G.S. 10B-9.

Section 66 corrects drafting errors in G.S. 93D-5(c) as amended by S.L. 2011-311 (S670), which incorrectly stated that the one-year apprenticeship requirement "shall not be waived" rather than "shall be waived," and incorrectly set out the specific circumstances under which the applicant would be eligible for a waiver of the apprenticeship requirement.

Section 66.5 amends G.S. 120-11.1 to provide a one-day organizational session of the General Assembly to be convened at 9:00 a.m. on the second Wednesday in January next after their election, for the sole purpose of electing officers, adopting rules, and otherwise organizing the session. Upon adjournment that day, the General Assembly would stand adjourned until 12:00 noon on the third Wednesday after the second Monday in January next after their election.

Section 66.7.(a) permits designees of the President pro tempore of the Senate and the Speaker of the House to serve as ex officio members of the Legislative Research Commission and transfers to the President pro tem and the Speaker the authority currently vested in the LRC cochairs to appoint additional members of the General Assembly to serve on LRC study committees and to appoint non-members of the General Assembly to serve on LRC subcommittees.

Section 66.7.(b) permits designees of the President pro tem and the Speaker to serve as LRC cochairs.

Section 67 allows ECU to retain rental receipts from healthcare service providers co-located on the campus facilities.

Section 68 creates exceptions to the accounts receivable process for East Carolina University's Division of Health Sciences (ECU DHS) similar to those of the University of North Carolina Health Care System.

Section 69 clarifies distribution of occupancy and food and beverage taxes proceeds on a quarterly basis to the Lake Norman Convention and Visitors' Bureau.

Section 70 allows residents of a group home licensed under Chapter 122C and who meet current criteria to be eligible for personal care services under the State's Medicaid Plan.

Section 71 amends Article 13A of Chapter 90 of the General Statutes to prohibit the Board of Funeral Service from issuing or renewing any license, permit or registration of a person convicted of a sexual offense against a minor under enumerated sections of the General Statutes, or convicted in another jurisdiction for an offense having substantially similar elements. In addition, the Board would be required to impose a sanction equal to or more severe than that imposed by another jurisdiction upon any licensee whose license, permit or registration has been revoked or suspended in another jurisdiction, or who has has been placed on probation in that jurisdiction, because of a felony conviction other than for a sexual offense against a minor.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law. Section 63.5 applies to vacancies in the position of senior resident superior court judge occurring on or after the effective date of this act.

** Staff Attorneys Kara McCraw and Bill Patterson and Legislative Analyst Patsy Pierce substantially contributed to this summary.*

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ARQ-117 [v.1]

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

Date _____,2012

Representative Hackney

moves to amend the bill on page ____, line ___ by rewriting Section 55 to read:

"**SECTION 55.(a).** G.S. 115C-12(38) and G.S. 115C-47(60) are repealed.

SECTION 55.(b). To ensure that the unique needs of students with immediate family members in the military are met, local boards of education shall collect and report to the State Board of Education by November 30, 2012, the following information for each school in the local school administrative unit:

(1) The number of students who have an immediate family member who has served in the reserve or active components of the Armed Forces of the United States since September 1, 2001.

(2) Whether during the relevant period the local school administrative unit employed at least one employee trained in the unique needs of children who have immediate family members in the military. An employee satisfies this requirement if the employee has received training on all of the following:

a. The number of children of members of the active or reserve components of the Armed Forces of the United States who live in the local school administrative unit.

b. Available curricula on military families.

c. The impact of deployments on the emotional and psychological well-being of the children and families.

d. Potential warning signs of emotional and mental health disorders, substance use disorders, suicide risks, child maltreatment, or domestic violence.

e. Appropriate resources to which students and their families may be referred as needed.

f. Scholarships for after-school and enrichment activities available through the United States Department of Defense, the National Guard, or the reserve components of the Armed Forces of the United States for the children of parents who are actively deployed.

(3) The frequency with which the employee described in subdivision (2) of this subsection provided training to school administrators, nurses, nurses aides, counselors, social workers, and other personnel in the local school

administrative unit during the relevant period, and the number of staff trained.

The State Board of Education shall report no later than December 15, 2012, to the Joint Legislative Education Oversight Committee and to the House of Representatives and Senate Appropriations Subcommittees on Education on information submitted to it pursuant to this section relating to the needs of students with immediate family members in the military.

SECTION 55.(c). G.S. 115C-288 is amended by adding a new subsection to read:

'(m) **To address the unique needs of students with immediate family members in the military.** – The principal shall develop a means for identifying and serving the unique needs of students who have immediate family members in the active or reserve components of the Armed Forces of the United States.'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ARQ-117 [v.1]

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

Date _____,2012

Representative Hackney

moves to amend the bill on page ____, line ___ by rewriting Section 55 to read:

"**SECTION 55.(a).** G.S. 115C-12(38) and G.S. 115C-47(60) are repealed.

SECTION 55.(b). To ensure that the unique needs of students with immediate family members in the military are met, local boards of education shall collect and report to the State Board of Education by November 30, 2012, the following information for each school in the local school administrative unit:

(1) The number of students who have an immediate family member who has served in the reserve or active components of the Armed Forces of the United States since September 1, 2001.

(2) Whether during the relevant period the local school administrative unit employed at least one employee trained in the unique needs of children who have immediate family members in the military. An employee satisfies this requirement if the employee has received training on all of the following:

a. The number of children of members of the active or reserve components of the Armed Forces of the United States who live in the local school administrative unit.

b. Available curricula on military families.

c. The impact of deployments on the emotional and psychological well-being of the children and families.

d. Potential warning signs of emotional and mental health disorders, substance use disorders, suicide risks, child maltreatment, or domestic violence.

e. Appropriate resources to which students and their families may be referred as needed.

f. Scholarships for after-school and enrichment activities available through the United States Department of Defense, the National Guard, or the reserve components of the Armed Forces of the United States for the children of parents who are actively deployed.

(3) The frequency with which the employee described in subdivision (2) of this subsection provided training to school administrators, nurses, nurses aides, counselors, social workers, and other personnel in the local school

administrative unit during the relevant period, and the number of staff trained.

The State Board of Education shall report no later than December 15, 2012, to the Joint Legislative Education Oversight Committee and to the House of Representatives and Senate Appropriations Subcommittees on Education on information submitted to it pursuant to this section relating to the needs of students with immediate family members in the military.

SECTION 55.(c). G.S. 115C-288 is amended by adding a new subsection to read:

'(m) **To address the unique needs of students with immediate family members in the military.** – The principal shall develop a means for identifying and serving the unique needs of students who have immediate family members in the active or reserve components of the Armed Forces of the United States.'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ARQ-117 [v.1]

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

Date _____,2012

Representative Hackney

moves to amend the bill on page ____, line ___ by rewriting Section 55 to read:

"**SECTION 55.(a).** G.S. 115C-12(38) and G.S. 115C-47(60) are repealed.

SECTION 55.(b). To ensure that the unique needs of students with immediate family members in the military are met, local boards of education shall collect and report to the State Board of Education by November 30, 2012, the following information for each school in the local school administrative unit:

(1) The number of students who have an immediate family member who has served in the reserve or active components of the Armed Forces of the United States since September 1, 2001.

(2) Whether during the relevant period the local school administrative unit employed at least one employee trained in the unique needs of children who have immediate family members in the military. An employee satisfies this requirement if the employee has received training on all of the following:

a. The number of children of members of the active or reserve components of the Armed Forces of the United States who live in the local school administrative unit.

b. Available curricula on military families.

c. The impact of deployments on the emotional and psychological well-being of the children and families.

d. Potential warning signs of emotional and mental health disorders, substance use disorders, suicide risks, child maltreatment, or domestic violence.

e. Appropriate resources to which students and their families may be referred as needed.

f. Scholarships for after-school and enrichment activities available through the United States Department of Defense, the National Guard, or the reserve components of the Armed Forces of the United States for the children of parents who are actively deployed.

(3) The frequency with which the employee described in subdivision (2) of this subsection provided training to school administrators, nurses, nurses aides, counselors, social workers, and other personnel in the local school

administrative unit during the relevant period, and the number of staff trained.

The State Board of Education shall report no later than December 15, 2012, to the Joint Legislative Education Oversight Committee and to the House of Representatives and Senate Appropriations Subcommittees on Education on information submitted to it pursuant to this section relating to the needs of students with immediate family members in the military.

SECTION 55.(c). G.S. 115C-288 is amended by adding a new subsection to read:

'(m) **To address the unique needs of students with immediate family members in the military.** – The principal shall develop a means for identifying and serving the unique needs of students who have immediate family members in the active or reserve components of the Armed Forces of the United States.'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-AST-101 [v.1]

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

Date _____,2012

Representative ~~Rapp~~

moves to amend the bill on page ___, lines ___, by inserting the following between those lines:

"**SECTION XXX.** G.S. 143-59 reads as rewritten:

"**§ 143-59. Preference given to North Carolina products and citizens, and articles manufactured by State agencies; reciprocal preferences.**

(a) Preference. – The Secretary of Administration and any State agency authorized to purchase foodstuff or other products, shall, in the purchase of or in the contracting for foods, supplies, materials, equipment, printing or services give preference as far as may be practicable to such products or services manufactured or produced in North Carolina or furnished by or through citizens of North Carolina: Provided, however, that in giving such preference no sacrifice or loss in price or quality shall be permitted; and provided further, that preference in all cases shall be given to surplus products or articles produced and manufactured by other State departments, institutions, or agencies which are available for distribution.

(b) Reciprocal Preference. – For the purpose only of determining the low bidder on all contracts for equipment, materials, supplies, and services valued over twenty-five thousand dollars ($25,000), a percent of increase shall be added to a bid of a nonresident bidder that is equal to the percent of increase, if any, that the state in which the bidder is a resident adds to bids from bidders who do not reside in that state. Any amount due under a contract awarded to a nonresident bidder shall not be increased by the amount of the increase added by this subsection. On or before January 1 of each year, the Secretary of Administration shall electronically publish a list of states that give preference to in-State bidders and the amount of the percent increase added to out-of-state bids. All departments, institutions, and agencies of the State shall use this list when evaluating bids. If the reciprocal preference causes the nonresident bidder to no longer be the lowest bidder, the Secretary of Administration may, after consultation with the Board of Awards, waive the reciprocal preference. In determining whether to waive the reciprocal preference, the Secretary of Administration and the Board of Awards shall consider factors that include competition, price, product origination, and available resources.

(b1) Price Preference. – For any contract for equipment, materials, supplies and services a resident bidder shall be given time, not to exceed three business days, to match or lower the bid of the lowest responsible non-resident bidder ~~if~~ only if the resident bidder's bid was within

five percent (5%) or ten thousand dollars ($10,000.00) of the lowest responsible non-resident bidder's bid, whichever is less.

(c) Definitions. – The following definitions apply in this section:

(1) Resident bidder. – A bidder that has paid unemployment taxes or income taxes in this State and whose principal place of business is located in this State.

(2) Nonresident bidder. – A bidder that is not a resident bidder as defined in subdivision (1) of this subsection.

(3) Principal place of business. – The principal place from which the trade or business of the bidder is directed or managed.

(d) Exemptions. – Subsection (b) of this section shall not apply to contracts entered into under G.S. 143-53(a)(5) or G.S. 143-57.

(e) When a contract is awarded by the Secretary using the provisions of subsection (b) of this section, a report of the nature of the contract, the bids received, and the award to the successful bidder shall be posted on the Internet as soon as practicable.

(f) Resident Bidder Notification. – When the Secretary puts a contract up for competitive bidding, the Secretary shall endeavor to provide notice to all resident bidders who have expressed an interest in bidding on contracts of that nature. The Secretary may opt to provide notice under this section by electronic means only."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-AST-101 [v.1]

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

Date _____,2012

Representative ~~Rapp~~

moves to amend the bill on page ___, lines ___, by inserting the following between those lines:

"**SECTION XXX.** G.S. 143-59 reads as rewritten:

"**§ 143-59. Preference given to North Carolina products and citizens, and articles manufactured by State agencies; reciprocal preferences.**

(a) Preference. – The Secretary of Administration and any State agency authorized to purchase foodstuff or other products, shall, in the purchase of or in the contracting for foods, supplies, materials, equipment, printing or services give preference as far as may be practicable to such products or services manufactured or produced in North Carolina or furnished by or through citizens of North Carolina: Provided, however, that in giving such preference no sacrifice or loss in price or quality shall be permitted; and provided further, that preference in all cases shall be given to surplus products or articles produced and manufactured by other State departments, institutions, or agencies which are available for distribution.

(b) Reciprocal Preference. – For the purpose only of determining the low bidder on all contracts for equipment, materials, supplies, and services valued over twenty-five thousand dollars ($25,000), a percent of increase shall be added to a bid of a nonresident bidder that is equal to the percent of increase, if any, that the state in which the bidder is a resident adds to bids from bidders who do not reside in that state. Any amount due under a contract awarded to a nonresident bidder shall not be increased by the amount of the increase added by this subsection. On or before January 1 of each year, the Secretary of Administration shall electronically publish a list of states that give preference to in-State bidders and the amount of the percent increase added to out-of-state bids. All departments, institutions, and agencies of the State shall use this list when evaluating bids. If the reciprocal preference causes the nonresident bidder to no longer be the lowest bidder, the Secretary of Administration may, after consultation with the Board of Awards, waive the reciprocal preference. In determining whether to waive the reciprocal preference, the Secretary of Administration and the Board of Awards shall consider factors that include competition, price, product origination, and available resources.

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(3) Principal place of business. – The principal place from which the trade or business of the bidder is directed or managed.

(d) Exemptions. – Subsection (b) of this section shall not apply to contracts entered into under G.S. 143-53(a)(5) or G.S. 143-57.

(e) When a contract is awarded by the Secretary using the provisions of subsection (b) of this section, a report of the nature of the contract, the bids received, and the award to the successful bidder shall be posted on the Internet as soon as practicable.

(f) Resident Bidder Notification. – When the Secretary puts a contract up for competitive bidding, the Secretary shall endeavor to provide notice to all resident bidders who have expressed an interest in bidding on contracts of that nature. The Secretary may opt to provide notice under this section by electronic means only."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ATK-112 [v.2]

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

Date _____,2012

Representative _____

moves to amend the bill on page XX, lines XXX,

"**SECTION 71.7.(a)** G.S. 89G-3 is amended by adding a new subdivision to read:

'(17) Any person who can document 10 years in business as an irrigation contractor as of January 1, 2009, can document competency in the practice of irrigation construction or irrigation contracting, as determined by the North Carolina Irrigation Contractors' Licensing Board, and meets all other requirements and qualifications for licensure may be issued an irrigation contractor's license under Chapter 89G of the General Statutes, without the requirement of examination, provided that the person submits an application for licensure to the Board prior to October 1, 2012.'

SECTION 71.7.(b) The North Carolina Irrigation Contractors' Licensing Board shall notify the North Carolina Cooperative Extension of the provision for licensure of experienced irrigation contractors without the requirement of an examination as provided in G.S. 89G-3(17) as quickly as practicable upon the effective date of this section.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ATK-112 [v.2]

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

Date _____,2012

Representative _____

moves to amend the bill on page XX, lines XXX,

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

ATTENDANCE

House Committee on Rules

(Name of Committee)

DATES	07-02-12 am	07-02-12 pm														
Rep. Stephen LaRoque Chair	X	X														
Rep. Tim Moore Chair	X	X														
Rep. Bill Owens Vice Chair	X															
Rep. Martha Alexander	X	X														
Rep. John Blust		X														
Rep. Jim Crawford																
Rep. Leo Daughtry	X	X														
Rep. Bill Faison		X														
Rep. Jean Farmer- Butterfield	X															
Rep. Dale Folwell	X	X														
Rep. Mitch Gillespie	X	X														
Rep. Joe Hackney	X	X														
Rep. Dewey Hill	X															
Rep. Mark Hilton	X	X														
Rep. Maggie Jeffus	X	X														
Rep. Linda Johnson	X	X														
Rep. Paul Luebke	X	X														
Rep. Danny McComas	X	X														
Rep. Tim Moffitt	X	X														
Rep. Earline Parmon		X														
Rep. Jason Saine	X	X														
Rep. Ruth Samuelson	X	X														
Rep. Paul Stam	X	X														
Rep. Mike Stone	X	X														
Kory Goldsmith	X	X														
Bill Patterson	X	X														
Kelly Quick	X	X														
Shelly DeAdder		X														

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 7-2-2012 Room: 1228

House Sgt-At Arms:

1. Name: Young Bae
2. Name: Carl Morello
3. Name: Jesse Hayes
4. Name:
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

VISITOR REGISTRATION SHEET

Rules Rm 1228 — 7/2/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elise Quick	Troutman Sanders
Karen Bertsch	Troutman Sanders
Sarah Hardin	CTL
PAIGE WORSHAM	DAILY BULLETIN
[signature]	SBE
[signature]	NCSBA
Ken Melton	K.M.A.
[signature]	MWC
Betsy Cotter	American Heart Assn
Mitch Leonard	SEANC
Andy Ellen	NCRMA

VISITOR REGISTRATION SHEET

Rules Rm 1228 — 7/2/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Whitney Christensen	NCRLA
Kayla	Kayla Law Firm
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	NCFB
Jake Cashion	NCCA
Kari Barsness	DENR
[illegible]	NCASA
Michelle Frazier	MFTS
Allison Walter	Nelson Mullins
Barbara Conder	BBOA

VISITOR REGISTRATION SHEET

RULES Rm 1228 — Name of Committee

7/2/12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Heinen	NC Center for Nonprofits
JAT Peters	CSS
Alex Miller	KLG
Melanie Sokes	NC DCR
Anne Murtha	NC DCR
Floyd Lewis	General Statutes Commission
Amy McConkey	NCBeV
Chuck Neely	W & M
John Bode	BCS
Annaliese Dolph	DKNC
Hubert Robinson	NCRMA

VISITOR REGISTRATION SHEET

Rules Rm 1228 7/2/12

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barack Obama	USA
Chris Bjella	NCMS
Bill Phillips	TWC
Kelly Hunter	NCCM
[illegible]	P. Ludlam
Colleen Kochanek	Kochanek Law Group
Cody Thomas	NCAR
David McGowan	NCAR
TIM KENT	NC Beer & Wine
JOE LANIER	NELSON MULLINS
Wendy Kelly	P.O.L. Group

VISITOR REGISTRATION SHEET

RULES RN 1228 7/2/12

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Tucker	Moore & Van Allen
Gary Salamido	NC Chamber
Elizabeth Biser	Brooks Pierce
Julia Adams	The Arc of NC
Bill Health	McGuireWoods
Joe McClees	McClees Consulting
Tommy Secier	Moore and Van Allen
[illegible]	NMRS
Steve Metcalf	The Policy Group
Angie Harris	Williams Mullen
Paula Hopper	Children's Alliance

VISITOR REGISTRATION SHEET

Rules Rm 1228 — 7/2/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Harris	NCPCM
Ben Schwamberg	NCSBA
Mark Cuthrell	[illegible]
Peg Ingram	Conf. of DAs
Joyce Peters	JP Assoc
Carolyn Smith	DST
Kris Horton	DHHS
[illegible]	[illegible]
Butch Gunnells	NC BW
David Cameron	NCRMA
Andy Ellen	NCRMA

VISITOR REGISTRATION SHEET

Rules Rm 1228 7/2/12

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Valauri	Valauri Group LLC
Claire FitzGerald	DENR
Kari Barsness	DENR
Robin Smith	DENR
Rebecca Troutman	NCACC
Bruce Dickenson	Gold Records Inc.
Ray Starling	NCDA+CS
	NCDA&CS
	BCBSNC
	Born & Asso.
Paul Meyer	NCLM

VISITOR REGISTRATION SHEET

Rules Ln 1228 — 7/2/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ellen Hamick	Center for Responsible Lending
Adam Price	Adams
Tony Adams	NCOAA
Aaron Dayton	NCOAA
Susan Camilleri	DOA
Christy Ayers	DOA
Jason Harris	NCNA
Sarah Koonce	DOL
Mia Bailey	ElectriCities
Andrew Cagle	NC Sheriffs' Assn.
Fabian Carrillo	BMC

VISITOR REGISTRATION SHEET

Rules Ln 1228 — 7/2/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	BBGNC
Kathy Hawkins	Duke Energy
Steve Brewer	Century Link
Sarah Wolfe	McGuire Woods
Estherine Davis	Estherine Davis & Assoc.
Laurie Onorio	Jason Deans & Assoc.
David Crawford	AIA NC
Charlie Perusse	UNC GA
DAVID BARNES	PS
Rick Techini	Progress Energy
Lesley Cates	UNC GA

MINUTES
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
July 2, 2012

The Committee on Rules, Calendar, and Operations of the House met on July 2, 2012 at 12:30 p.m. in room 1327 of the Legislative Building. The following members were present: Representative Moore, Chair, and Representative LaRoque, Chair; Representatives Alexander, Blust, Daughtry, Faison, Folwell, Gillespie, Hackney, Hilton, Jeffus, Johnson, Luebke, McComas, Moffitt, Parmon, Saine, Samuelson, Stam and Stone.

Rep. Moore presided.

The Following Bill was considered:

S847, GSC Technical Corrections/Other Changes. (Senators Fletcher and Hartsell, Primary Sponsors) Rep. Moore recognized Rep. LaRoque who motioned for the PCS to be before the committee which included the amendments which were adopted in the first committee meeting today. Rep. Moore recognized Kory Goldsmith from Research to explain the bill. Rep. Moore recognized Rep. Stam to send forth and amendment (#4) and explain the amendment. Rep. Stam motioned for adoption of the amendment. Vote was called ant the amendment passed. Rep. Moore recognized Rep. Samuelson who sent forth an amendment (#5). She was then recognized for a technical change to the amendments. Rep. Moore recognized Rep. Samuelson who motioned that the amendment be adopted. Vote was called and the amendment passed. Rep. Moore recognized Rep. Gillespie who sent forth an amendment (#6) and explained the amendment. Rep. Moore recognized Rep. Gillespie who motioned that the amendment be adopted. Vote was called and the amendment passed. Rep. Moore recognized Rep. McComas who sent forth an amendment (#7), Bill Patterson, staff, explains the amendment, and Rep. Justice is recognized to speak on the amendment. Discussion and debate on the amendment. Rep. Moore recognized Rep. Blust who sent forth an amendment (#8) that was a technical correction on Rep. McComas' amendment. Vote was called and the motion passed. Rep. Moore recognized Rep. McComas who motioned that the amendment be adopted. Vote was called and the motion failed. Rep. McComas asked for division. Division was called and the motion failed with 4 in favor and 10 voting no. Rep. Moore recognized Rep. Daughtry who sent forth an amendment (#9). Rep. Moore recognized Rep. Daughtry who motioned for the amendment to be adopted. A vote was called and the motion passed. Rep. Moore recognized Rep. Stam who sent forth an amendment. Rep. Stam explained the amendment (#10) and made the motion that the amendment be adopted. Vote was called and the motion passed. Rep. Moore recognized Rep. Stam who sent forth an amendment. Rep. Stam explained the amendment (#11) and made the motion the amendment be adopted. Vote was called and the motion passed. Rep. Moore recognized Rep. Moffitt who sent forth an amendment. Rep. Moore recognized Rep. McGrady to explain the bill. Rep. Moffitt made a motion that the amendment be adopted. Vote was called and the motion passed. Rep. Moore recognized Rep. Hackney to send forth an amendment (#13). Rep. Moore recognized Rep. Hackney who made a motion for the amendment be adopted. Vote was called and the motion passed. Rep. Moore recognized Rep. Stam who made the motion that the PCS be given a favorable report with the amendments to be rolled into a new PCS, unfavorable to the Senate Committee Substitute.

Chair Moore adjourned at 1:15 p.m.

Respectfully submitted:

Representative Tim Moore
Chair

Lisa Kennedy
Rules Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 847*
Rules and Operations of the Senate Committee Substitute Adopted 6/27/12
Third Edition Engrossed 6/27/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S847-CSMN-3 [v.10]

7/2/2012 12:13:21 PM

Short Title: GSC Technical Corrections/Other Changes. (Public)

Sponsors:

Referred to:

May 22, 2012

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS.

The General Assembly of North Carolina enacts:

PART I. GENERAL STATUTES COMMISSION TECHNICAL CORRECTIONS

SECTION 1.(a) The intent of this section is to codify the permanent reductions to the minimum number of magistrates in various counties and the number of full-time assistant district attorneys in certain prosecutorial districts that have been made by the Administrative Office of the Courts pursuant to Section 15.14 of S.L. 2010-31, as added by Section 6.4 of S.L. 2010-123, to the end that the General Statutes reflect the actual authorized numbers of magistrates and assistant district attorneys.

SECTION 1.(b) G.S. 7A-60(a1) reads as rewritten:

"(a1) **(See Editor's note for staffing changes)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3A	Pitt	11
3B	Carteret, Craven, Pamlico	12
4	Duplin, Jones, Onslow, Sampson	18

5	New Hanover, Pender	18
6A	Halifax	5
6B	Bertie, Hertford, Northampton	~~6~~5
7	Edgecombe, Nash, Wilson	~~19~~18
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	~~12~~10
9A	Person, Caswell	6
10	Wake	~~42~~41
11A	Harnett, Lee	9
11B	Johnston	10
12	Cumberland	23
13	Bladen, Brunswick, Columbus	13
14	Durham	18
15A	Alamance	11
15B	Orange, Chatham	10
16A	Scotland, Hoke	7
16B	Robeson	~~13~~12
17A	Rockingham	7
17B	Stokes, Surry	8
18	Guilford	32
19A	Cabarrus	9
19B	Montgomery, Randolph	~~10~~9
19C	Rowan	8
19D	Moore	5
20A	Anson, Richmond, Stanly	~~12~~11
20B	Union	10
21	Forsyth	25
22A	Alexander, Iredell	11
22B	Davidson, Davie	11
23	Alleghany, Ashe, Wilkes, Yadkin	8
24	Avery, Madison, Mitchell, Watauga, Yancey	7
25	Burke, Caldwell, Catawba	~~19~~18
26	Mecklenburg	58
27A	Gaston	~~15~~14
27B	Cleveland, Lincoln	11
28	Buncombe	14
29A	McDowell, Rutherford	7
29B	Henderson, Polk, Transylvania	8
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	~~11~~10

SECTION 1.(c) G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Additional Seats of Court
Camden	3	
Chowan	3	
Currituck		4
Dare	6	
Gates	2	
Pasquotank	~~5~~4	
Perquimans	3	
Martin	4	
Beaufort	~~5.05~~5	
Tyrrell	3	
Hyde	3.5	
Washington	4~~3~~	
Pitt	10.5	Farmville Ayden
Craven	~~10~~8	Havelock
Pamlico	3	
Carteret	~~9~~7	
Sampson	~~7~~6	
Duplin	~~8~~4	
Jones	2	
Onslow	11	
New Hanover	11	
Pender	~~4.8~~3.8	
Halifax	~~12~~7	Roanoke Rapids, Scotland Neck
Northampton	5.25	
Bertie	~~5~~3	
Hertford	~~6~~5	
Nash	9	Rocky Mount
Edgecombe	7	Rocky Mount
Wilson	7	
Wayne	9	Mount Olive
Greene	4	
Lenoir	7	La Grange
Granville	~~7~~6.75	
Vance	6	
Warren	3.5	
Franklin	7	
Person	4	
Caswell	4~~3~~	
Wake	18.5	Apex, Wendell, Fuquay-Varina, Wake Forest

Harnett	~~10~~8	Dunn
Johnston	~~11~~10	Benson, Clayton, Selma
Lee	~~5.5~~5	
Cumberland	19	
Bladen	~~5~~4	
Brunswick	9	
Columbus	~~9.5~~7.5	Tabor City
Durham	13	
Alamance	12	Burlington
Orange	~~9~~7	Chapel Hill
Chatham	~~6~~4	Siler City
Scotland	5	
Hoke	~~5~~3	
Robeson	~~15~~13	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	~~9~~7	Reidsville, Eden, Madison
Stokes	5	
Surry	9	Mt. Airy
Guilford	24.4	High Point
Cabarrus	9	Kannapolis
Montgomery	~~5~~4	
Randolph	~~10~~9	Liberty
Rowan	9	
Stanly	~~6~~5	
Union	7	
Anson	~~5~~4	
Richmond	~~6~~5	Hamlet
Moore	~~6.5~~5	Southern Pines
Forsyth	15	Kernersville
Alexander	4	
Davidson	~~10~~8	Thomasville
Davie	~~4~~3	
Iredell	9	Mooresville
Alleghany	2	
Ashe	~~4~~3	
Wilkes	6	
Yadkin	~~4~~3	
Avery	4	
Madison	4	
Mitchell	4	
Watauga	~~5~~4	
Yancey	3	

Burke	~~6.75~~5.6	
Caldwell	~~7~~6	
Catawba	10	Hickory
Mecklenburg	26.50	
Gaston	17	
Cleveland	~~8~~7	
Lincoln	6	
Buncombe	15	
Henderson	6.5	
McDowell	~~4.5~~4	
Polk	4	
Rutherford	~~7~~6	
Transylvania	4	
Cherokee	4	
Clay	2	
Graham	2	
Haywood	~~6.75~~6	Canton
Jackson	~~5~~4	
Macon	3.5	
Swain	~~3.75~~3"	

SECTION 1.(d) Effective January 1, 2013, G.S. 7A-133(c), as amended by subsection (c) of this section, reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Additional Seats of Court
Camden	3	
Chowan	3	
Currituck	~~4~~3	
Dare	~~6~~4	
Gates	2	
Pasquotank	4	
Perquimans	3	
Martin	~~4~~3	
Beaufort	~~5~~4	
Tyrrell	3	
Hyde	3.5	
Washington	3	
Pitt	10.5	Farmville Ayden
Craven	8	Havelock
Pamlico	3	
Carteret	~~7~~6	
Sampson	~~6~~5	
Duplin	4	
Jones	2	
Onslow	11	
New Hanover	11	

Pender	3.8	
Halifax	7	Roanoke Rapids, Scotland Neck
Northampton	~~5.25~~3	
Bertie	3	
Hertford	~~5~~3	
Nash	9	Rocky Mount
Edgecombe	7	Rocky Mount
Wilson	7	
Wayne	9	Mount Olive
Greene	43	
Lenoir	7	La Grange
Granville	~~6.75~~5	
Vance	6	
Warren	~~3.5~~3	
Franklin	~~7~~4	
Person	4	
Caswell	3	
Wake	18.5	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	8	Dunn
Johnston	10	Benson, Clayton, Selma
Lee	5	
Cumberland	19	
Bladen	43	
Brunswick	~~9~~8	
Columbus	~~7.5~~5	Tabor City
Durham	13	
Alamance	12	Burlington
Orange	7	Chapel Hill
Chatham	4	Siler City
Scotland	5	
Hoke	3	
Robeson	~~13~~12	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	7	Reidsville, Eden, Madison
Stokes	~~5~~3	
Surry	~~9~~6	Mt. Airy
Guilford	24.4	High Point

Cabarrus	9	Kannapolis
Montgomery	43	
Randolph	9	Liberty
Rowan	9	
Stanly	5	
Union	7	
Anson	43	
Richmond	5	Hamlet
Moore	5	Southern Pines
Forsyth	15	Kernersville
Alexander	43	
Davidson	8	Thomasville
Davie	3	
Iredell	9	Mooresville
Alleghany	2	
Ashe	3	
Wilkes	6	
Yadkin	3	
Avery	43	
Madison	43	
Mitchell	43	
Watauga	4	
Yancey	3	
Burke	5.6	
Caldwell	6	
Catawba	10	Hickory
Mecklenburg	26.50	
Gaston	17	
Cleveland	7	
Lincoln	65	
Buncombe	15	
Henderson	6.5	
McDowell	43	
Polk	43	
Rutherford	6	
Transylvania	43	
Cherokee	43	
Clay	2	
Graham	2	
Haywood	65	Canton
Jackson	43	
Macon	3.53	
Swain	3"	

SECTION 1.(e) Subsection (d) of this section is effective January 1, 2013. The remainder of this section is effective when it becomes law.

SECTION 2. G.S. 7B-1112 reads as rewritten:

"**§ 7B-1112. Effects of termination order.**

An order terminating the parental rights completely and permanently terminates all rights and obligations of the parent to the juvenile and of the juvenile to the parent arising from the parental relationship, except that the juvenile's right of inheritance from the juvenile's parent

shall not terminate until a final order of adoption is issued. The parent is not thereafter entitled to notice of proceedings to adopt the juvenile and may not object thereto or otherwise participate therein:

(1) If the juvenile had been placed in the custody of or released for adoption by one parent to a county department of social services or licensed child-placing agency and is in the custody of the agency at the time of the filing of the petition or motion, including a petition or motion filed pursuant to ~~G.S. 7B-1103(6),~~G.S. 7B-1103(a)(6), that agency shall, upon entry of the order terminating parental rights, acquire all of the rights for placement of the juvenile, except as otherwise provided in G.S. 7B-908(d), as the agency would have acquired had the parent whose rights are terminated released the juvenile to that agency pursuant to the provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes, including the right to consent to the adoption of the juvenile.

...."

SECTION 3. G.S. 7B-4002 reads as rewritten:

"**§ 7B-4002. Implementation of the Compact.**

(a) The North Carolina State Council for Interstate Juvenile Supervision is hereby established. The ~~Secretary of the Department of Juvenile Justice and Delinquency Prevention,~~ Secretary of Public Safety, or the Secretary's designee, shall serve as the Compact Administrator for the State of North Carolina and as North Carolina's Commissioner to the Interstate Commission. The ~~Secretary of the Department of Juvenile Justice and Delinquency Prevention,~~ Secretary of Public Safety, or the Secretary's designee, is a member of the State Council and serves as chairperson of the State Council. In addition to the chairperson, the State Council shall consist of 10 members as follows:

(1) One member representing the executive branch, to be appointed by the Governor;
(2) One member from a victim's assistance group, to be appointed by the Governor;
(3) One at-large member, to be appointed by the Governor;
(4) One member of the Senate, to be appointed by the President Pro Tempore of the Senate;
(5) One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives;
(6) A district court judge, to be appointed by the Chief Justice of the Supreme Court; and
(7) Four members representing the juvenile court counselors, to be appointed by the ~~Secretary of the Department of Juvenile Justice and Delinquency Prevention.~~ Secretary of Public Safety.

(b) The State Council shall meet at least twice a year and may also hold special meetings at the call of the chairperson. All terms are for three years.

(c) The State Council may advise the Compact Administrator on participation in the Interstate Commission activities and administration of the Compact.

(d) The members of the State Council shall serve without compensation but shall be reimbursed for necessary travel and subsistence expenses in accordance with the policies of the Office of State Budget and Management.

(e) The State Council shall act in an advisory capacity to the ~~Secretary of the Department of Juvenile Justice and Delinquency Prevention~~ Secretary of Public Safety concerning this State's participation in Interstate Commission activities and other duties as may be determined by each member state, including recommendations for policy concerning the operations and procedures of the Compact within this State.

(f) The Governor shall by executive order provide for any other matters necessary for implementation of the Compact at the time that it becomes effective, and, except as otherwise provided for in this section, the State Council may promulgate rules or regulations necessary to implement and administer the Compact."

SECTION 4.(a) G.S. 14-208.6 reads as rewritten:

"**§ 14-208.6. Definitions.**

The following definitions apply in this Article:

...

(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex offense with a child; adult offender), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), former G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is 13-, 14-, or 15-years-old where the defendant is at least six years older), G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

...."

SECTION 4.(b) G.S. 14-208.26(a) reads as rewritten:

"(a) When a juvenile is adjudicated delinquent for a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.5 (second degree sexual offense), or former G.S. 14-27.6 (attempted rape or sexual offense), and the juvenile was at least eleven years of age at the time of the commission of the offense, the court shall consider whether the juvenile is a danger to the community. If the court finds that the juvenile is a danger to the community, then the court shall consider whether the juvenile should be required to register with the county sheriff in accordance with this Part. The determination as to whether the juvenile is a danger to the community and whether the juvenile shall be ordered to register shall be made by the presiding judge at the dispositional hearing. If the judge rules that the juvenile is a danger to the community and that the juvenile shall register, then an order shall be entered requiring the juvenile to register. The court's findings regarding whether the juvenile is a danger to the community and whether the juvenile shall register shall be entered into the court record. No juvenile may be required to register under this Part unless the court first finds that the juvenile is a danger to the community."

SECTION 6. G.S. 15A-101.1 reads as rewritten:

"**§ 15A-101.1. Electronic technology in criminal process and procedure.**

As used in this Chapter, in Chapter 7A of the General Statutes, in Chapter 15 of the General Statutes, and in all other provisions of the General Statutes that deal with criminal process or procedure:

...

(3a) "Electronic monitoring" or "electronically monitor" or "satellite-based monitoring" means monitoring with an electronic monitoring device that is not removed from a person's body, that is utilized by the supervising agency in conjunction with a Web-based computer system that actively monitors, identifies, tracks, and records a person's location at least once every minute 24 hours a day, that has a battery life of at least 48 hours without being recharged, that timely records and reports or records the person's presence near or within a crime scene or prohibited area or the person's departure from a specified geographic location, and that has incorporated into the software the ability to automatically compare crime scene data with locations of all ~~person's~~ persons being electronically monitored so as to provide any correlation daily or in real time. In areas of the State where lack of cellular coverage requires the use of an alternative device, the supervising agency shall use an alternative device that works in concert with the software and records location and tracking data for later download and crime scene comparison.

...."

SECTION 7. G.S. 15A-1344(d) and (e) read as rewritten:

"(d) Extension and Modification; Response to Violations. — At any time prior to the expiration or termination of the probation period or in accordance with subsection (f) of this section, the court may after notice and hearing and for good cause shown extend the period of probation up to the maximum allowed under G.S. 15A-1342(a) and may modify the conditions of probation. A hearing extending or modifying probation may be held in the absence of ~~the defendant, if he~~a defendant who fails to appear for the hearing after a reasonable effort to notify ~~him.~~the defendant. If a probationer violates a condition of probation at any time prior to the expiration or termination of the period of probation, the court, in accordance with the provisions of G.S. 15A-1345, may continue ~~him~~ the defendant on probation, with or without modifying the conditions, may place the defendant on special probation as provided in subsection (e), or, if continuation, modification, or special probation is not appropriate, may revoke the probation and activate the suspended sentence imposed at the time of initial sentencing, if any, or may order that charges as to which prosecution has been deferred be brought to trial; provided that probation may not be revoked solely for conviction of a Class 3 misdemeanor. The court, before activating a sentence to imprisonment established when the defendant was placed on probation, may reduce the sentence, but the reduction shall be consistent with subsection (d1) of this section. A sentence activated upon revocation of probation commences on the day probation is revoked and runs concurrently with any other period of probation, parole, or imprisonment to which the defendant is subject during that period unless the revoking judge specifies that it is to run consecutively with the other period.

(e) Special Probation in Response to Violation. — When a defendant has violated a condition of probation, the court may modify ~~his~~ the probation to place ~~him~~ the defendant on special probation as provided in this subsection. In placing ~~him~~ the defendant on special probation, the court may continue or modify the conditions of ~~his~~ probation and in addition require that ~~he~~ the defendant submit to a period or periods of imprisonment, either continuous or noncontinuous, at whatever time or intervals within the period of probation the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the ~~Rules and Regulations~~rules and

regulations of the Division of Adult Correction of the Department of Public Safety governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in either the custody of the Division of Adult Correction of the Department of Public Safety or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. Except for probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment imposed for the offense. For probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. No confinement other than an activated suspended sentence may be required beyond the period of probation or beyond two years of the time the special probation is imposed, whichever comes first."

SECTION 8. G.S. 20-9(d) is repealed.

SECTION 9. G.S. 20-141(j2) reads as rewritten:

"(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under this section shall be required to pay a penalty of two hundred fifty dollars ($250.00). This penalty shall be imposed in addition to those penalties established in this Chapter. A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. The additional penalty imposed by this subsection applies only if ~~sign~~ signs are posted at the beginning and end of any segment of the highway work zone stating the penalty for speeding in that segment of the work zone. The Secretary shall ensure that work zones shall only be posted with penalty signs if the Secretary determines, after engineering review, that the posting is necessary to ensure the safety of the traveling public due to a hazardous condition.

A law enforcement officer issuing a citation for a violation of this section while in a highway work zone shall indicate the vehicle speed and speed limit posted in the segment of the work zone, and determine whether the individual committed a violation of G.S. 20-141(j1). Upon an individual's conviction of a violation of this section while in a highway work zone, the clerk of court shall report that the vehicle was in a work zone at the time of the violation, the vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."

SECTION 10. G.S. 20-146.2(a) reads as rewritten:

"(a) HOV Lanes. – The Department of Transportation may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets and highways on the State Highway System and cities may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes shall be reserved for vehicles with a specified number of passengers as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When HOV lanes have been designated, and have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated buses, and automobiles or other vehicles containing the specified number of persons. Where access restrictions are applied on HOV lanes through designated signing and pavement markings, vehicles shall only cross into or out of an HOV lane at designated openings. A motor vehicle shall not travel in a designated HOV lane if the motor vehicle has more than three axles, regardless of the number of occupants. HOV lane restrictions shall not apply to any of the following:

...

(6) Fuel cell electric vehicles as defined in ~~G.S. 29-4.01(12a),~~ G.S. 20-4.01(12a), regardless of the number of passengers in the vehicle.

These vehicles must be able to travel at the posted speed limit while operating in the HOV lane."

SECTION 11. Article 11 of Chapter 25 of the General Statutes is repealed.

SECTION 12. G.S. 28A-2-4(a) reads as rewritten:

"(a) The clerks of superior court of this State, as ex officio judges of probate, shall have original jurisdiction of estate proceedings. Except as provided in subdivision (4) of this subsection, the jurisdiction of the clerk of superior court is exclusive. Estate proceedings include, but are not limited to, the following:

...

(4) Proceedings to ascertain heirs or devisees, to approve ~~family~~ settlement agreements pursuant to G.S. 28A-2-10, to determine questions of construction of wills, to determine priority among creditors, to determine whether a person is in possession of property belonging to an estate, to order the recovery of property of the estate in possession of third parties, and to determine the existence or nonexistence of any immunity, power, privilege, duty, or right. Any party or the clerk of superior court may file a notice of transfer of a proceeding pursuant to this subdivision to the Superior Court Division of the General Court of Justice as provided in G.S. 28A-2-6(h). In the absence of a transfer to superior court, Article 26 of Chapter 1 of the General Statutes shall apply to a trust proceeding pending before the clerk of superior court to the extent consistent with this Article."

SECTION 13.(a) G.S. 28A-5-1(b) reads as rewritten:

"(b) Implied Renunciation by Executor. – If any person named or designated as executor fails to qualify or to renounce within 30 days after the will had been admitted to probate, (i) the clerk of superior court may issue a notice to that person to qualify or move for an extension of time to qualify within 15 days, or (ii) any other person named or designated as executor in the will or any interested person may file a petition in accordance with Article 2 of this Chapter for an order finding that person named or designated as executor to be deemed to have renounced. If that person does not file a response to the ~~motion~~ notice or petition within 15 days from the date of service of the ~~motion~~ notice or petition, the clerk of superior court shall enter an order adjudging that the person has renounced. If the person files a response within 15 days from the date of service of the ~~motion~~ notice or petition requesting an extension of time within which to qualify or renounce, upon hearing, the clerk of superior court may grant to that person a reasonable extension of time within which to qualify or renounce for cause shown. If that person qualifies within 15 days of the date of service of the ~~motion~~ notice or petition, the clerk of superior court shall dismiss that ~~motion~~ notice or petition, without prejudice, summarily and without hearing."

SECTION 13.(b) G.S. 28A-5-2(b) reads as rewritten:

"(b) Implied Renunciation. –

(1) If any person entitled to apply for letters of administration fails to apply therefor within 30 days from the date of death of the intestate, (i) the clerk of superior court may issue a notice to the person to qualify or move for an extension of time to qualify within 15 days, or (ii) any interested person may file a petition in accordance with Article 2 of this Chapter for an order finding that person to be deemed to have renounced. If the person does not file a response to the notice or petition within 15 days from the date of service of the ~~motion,~~notice or petition, the clerk of superior court shall enter an order adjudging that the person has renounced. If the person files a response within 15 days from the date of service of the ~~motion~~ notice or petition requesting an extension of time within which to qualify or renounce, upon hearing, the clerk of superior court may grant to that person a

reasonable extension of time within which to qualify or renounce for cause shown. If the person qualifies within 15 days of the date of service of the ~~motion,~~notice or petition, the clerk of superior court shall dismiss the ~~motion,~~notice or petition, without prejudice, summarily and without hearing and the clerk of superior court shall issue letters to some other person as provided in G.S. 28A-4-1. No notice shall be required to be given to any interested person, but the clerk may give notice as the clerk in the clerk's discretion may determine.

...."

SECTION 14. The catch line of G.S. 30-30 reads as rewritten:

"**§ 30-30. ~~Judgment and order for commissioners.~~Judgment.**"

SECTION 15. G.S. 44A-24.2 reads as rewritten:

"**§ 44A-24.2. Definitions.**

The following definitions apply in this Part:

...

(3) Commercial real estate. – Any real property or interest therein, whether freehold or nonfreehold, which at the time the property or interest is made the subject of an agreement for broker services:

a. Is lawfully used primarily for sales, office, research, institutional, warehouse, manufacturing, industrial, or mining purposes or for multifamily residential purposes involving five or more dwelling units;

b. May lawfully be used for any of the purposes listed in ~~subdivision (3)~~ sub-subdivision (3)a. of this section by a zoning ordinance adopted pursuant to the provisions of Article 18 of Chapter 153A or Article 19 of Chapter 160A of the General Statutes or which is the subject of an official application or petition to amend the applicable zoning ordinance to permit any of the uses listed in ~~subdivision (3)~~ sub-subdivision (3)a. of this section which is under consideration by the government agency with authority to approve the amendment; or

c. Is in good faith intended to be immediately used for any of the purposes listed in ~~subdivision (3)~~ sub-subdivision (3)a. of this section by the parties to any contract, lease, option, or offer to make any contract, lease, or option.

...."

SECTION 16. G.S. 62-36A is recodified as G.S. 62-36.1.

SECTION 17. G.S. 63A-3(b) reads as rewritten:

"(b) Board of Directors. – The Authority shall be governed by a Board of Directors. The Board shall consist of at least the following 20 members:

(1) Six members appointed by the Governor. One member shall be representative of the economic development industry, two members shall be representative of the commercial real estate development industry, two members shall be representative of the banking and finance industry, and one member shall be representative of environmental interests. Of the Governor's six appointments, at least one member shall come from each of the State's three regions: Western, Piedmont, and Eastern.

...."

SECTION 18. G.S. 63A-24 reads as rewritten:

"**§ 63A-24. General laws apply to Authority; exceptions.**

(a) Except as provided in this section, the general laws that apply to State agencies apply to the Authority. The following general laws, to the extent provided below, do not apply to the Authority:

...

(3) Except for G.S. 146-29.1, 146-79, and 146-80, Chapter 146 of the General Statutes does not apply to the Authority.

(b) Notwithstanding ~~this exemption from Chapter 146 of the General Statutes,~~ G.S. 126-5(c1)(15), the Secretary of Transportation may designate employees of the Authority as subject to Chapter ~~146~~ 126 of the General Statutes."

SECTION 19. G.S. 101-5(f) reads as rewritten:

"(f) If the clerk finds that good and sufficient reasons exist to deny the applicant's request for a name change, it is the clerk's duty not to issue an order changing the name of the applicant from that person's true name to the name sought to be adopted. The order denying the name change shall state the reasons for the denial. If the applicant desires to appeal the clerk's decision, the applicant must petition the chief resident superior court judge within 30 days of the date of the order denying the name change to request a reconsideration of the application. The reconsideration decision of the chief resident superior court judge is final and not subject to appeal. An unsuccessful applicant on reconsideration is subject to a waiting period of 12 months from the date of the adverse decision of the chief resident superior court judge before the applicant may submit another name change application. A successful applicant on reconsideration shall be granted the name change by the clerk in like manner as prescribed by subsection (d) of this section."

SECTION 21.(a) G.S. 115C-325(p) reads as rewritten:

"(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation to the contrary, this section shall apply to all persons employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human ~~Services,~~Services and Public ~~Instruction, Correction, or Juvenile Justice and Delinquency Prevention [the Division of Juvenile Justice of the Department of Public Safety]~~Instruction and the Divisions of Juvenile Justice and Adult Correction of the Department of Public Safety regardless of the age of the students."

SECTION 21.(b) Section 40 of S.L. 2012-83 is repealed. If House Bill 969, 2011 Regular Session, becomes law and, as enacted, contains the amendment to G.S. 115C-325(p) that appears in Section 42 of the first edition of that bill, that amendment is repealed. If Senate Bill 880, 2011 Regular Session, becomes law and, as enacted, contains the amendment to G.S. 115C-325(p) that appears in Section 41 of the first edition of that bill, that amendment is repealed.

SECTION 22.(a) G.S. 120-30.9F reads as rewritten:

"**§ 120-30.9F. Municipalities; municipal attorney.**

The municipal attorney of any municipality covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the United States within 30 days:

(1) Of the time they become laws, any local acts of the General Assembly; and

(2) Of adoption actions of the municipal governing body or ~~board of elections or~~ any other municipal agency or county board of elections which constitutes a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 in that municipality; provided that, if required or allowed by regulations or practices of the United States Department of Justice, a municipal attorney may delay submission of any annexation ordinance or group of ordinances until all previously submitted annexation ordinances have been precleared or otherwise received final disposition."

SECTION 22.(b) G.S. 163-304 reads as rewritten:

"**§ 163-304. State Board of Elections to have jurisdiction over municipal ~~elections and election officials~~,elections, and to advise; emergency and ongoing administration by county board.**

(a) Authority and Duty of State Board. – The State Board of Elections shall have the same authority over municipal elections ~~and election officials~~ as it has over county and State ~~elections and election officials.~~elections. The State Board of Elections shall advise and assist cities, towns, incorporated villages and special districts, their members and legal officers on the conduct and administration of their elections and registration procedure.

The county boards of elections shall be governed by the same rules for settling controversies with respect to counting ballots or certification of the returns of the vote in any municipal or special district election as are in effect for settling such controversies in county and State elections.

(b) through (e) Repealed by Session Laws 2011-31, s. 25, effective April 7, 2011."

SECTION 23. G.S. 120-70.94(a) reads as rewritten:

"(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

(1) Study the budget, programs, and policies of the ~~Departments of Correction, Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention~~ Department of Public Safety to determine ways in which the General Assembly may improve the effectiveness of ~~those Departments.~~the Department.

...

(10) Study the needs of juveniles. This study may include, but is not limited to:

a. Determining the adequacy and appropriateness of services:

1. To children and youth receiving child welfare services;
2. To children and youth in the juvenile court system;
3. Provided by the Division of Social Services of the Department of Health and Human Services and the Division of Juvenile Justice of the Department of Public Safety;
4. To children and youth served by the Mental Health, Developmental Disabilities, and Substance Abuse Services system.

b. Developing methods for identifying and providing services to children and youth not receiving but in need of child welfare services, children and youth at risk of entering the juvenile court system, and children and youth exposed to domestic violence situations.

c. Identifying obstacles to ensuring that children who are in secure or nonsecure custody are placed in safe and permanent homes within a reasonable period of time and recommending strategies for overcoming those obstacles. The Commission shall consider what, if anything, can be done to expedite the adjudication and appeal of abuse and neglect charges against parents so that decisions may be made about the safe and permanent placement of their children as quickly as possible.

...."

SECTION 24. G.S. 122A-3 reads as rewritten:

"§ 122A-3. Definitions.

The following definitions apply in this ~~section:~~Chapter:

(1) Agency. – The North Carolina Housing Finance Agency created by this Chapter.

(2) Bonds or notes. – The bonds or the bond anticipation notes or construction loan notes authorized to be issued by the Agency under this Chapter.

(3) Counseling agency. – A nonprofit counseling agency located in North Carolina that is approved by the North Carolina Housing Finance Agency.

(4) Energy conservation loan. – A loan obtained from a mortgage lender for the purpose of satisfying an existing obligation of a borrower who is the resident owner of a single-family dwelling or of "residential housing." The existing obligation of the owner in an "energy conservation loan" must have been incurred to pay for the purchase of materials or the installation of materials, or both, which results in a significant decrease in the amount of consumption of nonrenewable sources of energy in order to provide or maintain a comfortable level of room temperatures in his residence during the winter. "Energy conservation loan" does not include a loan obtained to refinance an existing loan agreement unless payment or collection of the original loan was guaranteed by the Agency.

(5) Federally insured securities. – An evidence of indebtedness secured by a first mortgage lien on residential housing for persons of lower income and insured or guaranteed as to repayment of principal and interest by the United States or any agency or instrumentality thereof.

(6) Governmental agency. – Any department, division, public agency, political subdivision, or other public instrumentality of the State, the federal government, any other State or public agency, or any two or more thereof.

(7) Mortgage or mortgage loan. – A mortgage loan for residential housing, including, without limitation, a mortgage loan to finance, either temporarily or permanently, the construction, rehabilitation, improvement, or acquisition and rehabilitation or improvement of residential housing and a mortgage loan insured or guaranteed by the United States or an instrumentality thereof or for which there is a commitment by the United States or an instrumentality thereof to insure such a mortgage. A mortgage obligation may be evidenced by a security document and secured by a lien upon real property, including a deed of trust and land sale agreement. Mortgage also means an obligation evidenced by a security lien on real property upon which an owner-occupied mobile home is located.

(8) Mortgage lenders. – Any bank or trust company, savings bank, national banking association, savings and loan association, or building and loan association, life insurance company, mortgage banking company, the federal government, and any other financial institution authorized to transact business in the State.

(9) Mortgagee. – The owner of a beneficial interest in a mortgage loan, the servicer for the owner of a beneficial interest in a mortgage loan, or the trustee for a securitized trust that holds title to a beneficial interest in a mortgage loan.

(10) Obligations. – Any bonds or bond anticipation notes authorized to be issued by the Agency under the provisions of this Chapter.

(11) Persons and families of lower income. – Persons and families deemed by the Agency to require such assistance as is made available by this Chapter on account of insufficient personal or family income, taking into consideration,

without limitation, (i) the amount of the total income of such persons and families available for housing needs, (ii) the size of the family, (iii) the cost and condition of housing facilities available, (iv) the eligibility of such persons and families for federal housing assistance of any type predicated upon a lower-income basis, and (v) the ability of such persons and families to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing decent, safe, and sanitary housing and deemed by the Agency therefore to be eligible to occupy residential housing financed wholly or in part, with mortgages, or with other public or private assistance.

(12) Rehabilitation. – The renovation or improvement of residential housing by the owner of said residential housing.

(13) Residential housing. – A specific work or improvement undertaken primarily to provide dwelling accommodations for persons and families of lower income, including the rehabilitation of buildings and improvements, and such other nonhousing facilities as may be incidental or appurtenant thereto.

(14) State. – The State of North Carolina."

SECTION 25. G.S. 126-3(b) reads as rewritten:

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

(1) Providing policy and rule development for the Commission and implementing and administering all policies, rules, and procedures established by the ~~Commission;~~Commission.

(2) Providing training in personnel management to agencies, departments, and institutions including train-the-trainer programs for those agencies, departments, and institutions who request such training and where sufficient staff and expertise exist to provide the training within their respective agencies, departments, and ~~institutions;~~institutions.

(3) Providing technical assistance in the management of personnel programs and activities to agencies, departments, and ~~institutions;~~institutions.

(4) Negotiating decentralization agreements with all agencies, departments, and institutions where it is cost-effective to include delegation of authority for certain classification and corresponding salary administration actions and other personnel programs to be specified in the ~~agreements;~~agreements.

(5) Administering such centralized programs and providing services as approved by the Commission which have not been transferred to agencies, departments, and institutions or where this authority has been rescinded for ~~noncompliance;~~noncompliance.

(6) Providing approval authority of personnel actions involving classification and compensation where such approval authority has not been transferred by the Commission to agencies, departments, and institutions or where such authority has been rescinded for ~~noncompliance;~~noncompliance.

(7) Maintaining a computer database of all relevant and necessary information on employees and positions within agencies, departments, and institutions in the State's personnel ~~system;~~system.

(8) Developing criteria and standards to measure the level of compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards in agencies, departments, and institutions to which authority has been delegated for classification, salary administration and other decentralized programs, and determining through routine monitoring and periodic review process, that agencies, departments, and institutions are

in compliance or noncompliance with established Commission policies, rules, procedures, criteria, and ~~standards; and~~standards.

(9) Implementing corrective actions in cases of ~~noncompliance; [and]~~ noncompliance.

(10) Administering the State employee suggestion program (NC-Thinks)."

SECTION 26. G.S. 127A-110(f) reads as rewritten:

"(f) (1) Any amount obtained by any person by settlement with, judgment against, or otherwise from the third party by reason of the injury or death shall be disbursed by order of the court for the following purposes and in the following order of priority:

a. First to the payment of actual court costs taxed by judgment.

b. Second to the payment of the fee of the attorney representing the person making settlement or obtaining judgment, and this fee shall not exceed one third of the amount obtained or recovered of the third party.

c. Third to the reimbursement of the State for all benefits by way of compensation or medical treatment expense paid or to be paid by the State pursuant to G.S. 127A-108.

d. Fourth to the payment of any amount remaining to the member or personal representative.

(2) The attorney fee paid under subdivision (1) of this ~~section~~ subsection shall be paid by the member and the State in direct proportion to the amount each shall receive under sub-subdivisions (1)c. and d. of this subsection and shall be deducted from the payments when distribution is made."

SECTION 27. G.S. 130A-40.1(b) reads as rewritten:

"(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. The Secretary of Health and Human Services shall report any approval under this section to the Joint Legislative Oversight Committee on Health and Human Services."

SECTION 28. G.S. 130A-309.10(e) reads as rewritten:

"(e) No person shall distribute, sell, or offer for sale in this State any rigid plastic container, including a plastic beverage ~~container~~ container, unless the container has a molded label indicating the plastic resin used to produce the container. The code shall consist of a number placed within three triangulated arrows and letters placed below the triangulated arrows. The three arrows shall form an equilateral triangle with the common point of each line forming each angle of the triangle at the midpoint of each arrow and rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the arrowhead from the base of the adjacent arrow. The triangle formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The label shall appear on or near the bottom of the container and be clearly visible. A container having a capacity of less than eight fluid ounces or more than five gallons is exempt from the requirements of this subsection. The numbers and letters shall be as follows:

(1) For polyethylene terephthalate, the letters "PETE" and the number 1.

(2) For high density polyethylene, the letters "HDPE" and the number 2.

(3) For vinyl, the letter "V" and the number 3.

(4) For low density polyethylene, the letters "LDPE" and the number 4.

(5) For polypropylene, the letters "PP" and the number 5.

(6) For polystyrene, the letters "PS" and the number 6.

(7) For any other, the letters "OTHER" and the number 7."

SECTION 29. G.S. 131E-129(a) reads as rewritten:

"(a) Violation Classification and Penalties. – The Department of Health and Human Services shall impose an administrative penalty in accordance with provisions of this Article on any facility which is found to be in violation of the requirements of G.S. 131E-117 or applicable State and federal laws and regulations. Citations for violations shall be classified and penalties assessed according to the nature of the violation as follows:

...

(1b) "Past Corrected Type A1 or Type A2 Violation" means either (i) the violation was not previously identified by the Department or its authorized representative or (ii) the violation was discovered by the facility and was self reported, but in either case the violation has been corrected. In determining whether a penalty should be assessed under this section, the Department shall consider the following factors:

a. Preventive systems in place prior to the violation.

b. Whether the violation or violations were abated immediately. ~~and~~

c. Whether the facility implemented corrective measures to achieve and maintain compliance.

d. Whether the facility's system to ensure compliance is maintained and continues to be implemented.

e. Whether the regulatory area remains in compliance.

...."

SECTION 30. G.S. 135-48.27 reads as rewritten:

"**§ 135-48.27. Reports to the General Assembly; General Assembly access to information.**

In addition to the reports required by ~~G.S. 135-48.22(d),~~G.S. 135-48.23(d), the State Treasurer, the Executive Administrator, and Board of Trustees shall report to the General Assembly at such times and in such forms as shall be designated by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Employees of the Legislative Services Commission designated by the Legislative Services Officer (i) shall have access to all records related to the Plan of the State Treasurer, the Board of Trustees, the Executive Administrator, the Claims Processor, and the Plan and (ii) shall be entitled to attend all meetings, including executive sessions, of the Board of Trustees."

SECTION 31. G.S. 135-48.44 reads as rewritten:

"**§ 135-48.44. Cessation of coverage.**

(a) Coverage under this Plan of an employee and his or her surviving spouse or eligible dependent children or of a retired employee and his or her surviving spouse or eligible dependent children shall cease on the earliest of the following dates:

...

(2) The last day of the month in which an employee's employment with the State is terminated as provided in ~~subsection (c)~~subsection (d) of this section.

...

(c) Coverage under the Plan as a surviving dependent child whether covered as a dependent of a surviving spouse, or as an individual member (no living parent), ceases when the child ceases to be a dependent child as defined by G.S. 135-48.1, except coverage may continue under the Plan on a fully contributory basis for a period of not more than 36 months after loss of dependent status.

(d) Termination of employment shall mean termination for any reason, including layoff and leave of absence, except as provided in subdivisions (a)(1) and (2) of this section, but shall not, for purposes of this Plan, include retirement upon which the employee is granted an immediate service or disability pension under and pursuant to a State-supported Retirement System.

(1) In the event of termination for any reason other than death, coverage under the Plan for an employee and his or her eligible spouse or dependent

children, provided the eligible spouse or dependent children were covered under the Plan at termination of employment may be continued for a period of not more than 18 months following termination of employment on a fully contributory basis. Employees who were covered under the Plan at termination of employment may be continued for a period of not more than 18 months or 29 months if determined to be disabled under the Social Security Act, Title II, OASDI or Title XVI, SSI.

(2) In the event of approved leave of absence without pay, other than for active duty in the Armed Forces of the United States, coverage under this Plan for an employee and his or her dependents may be continued during the period of such leave of absence by the employee's paying one hundred percent (100%) of the cost.

(3) If employment is terminated in the second half of a calendar month and the covered individual has made the required contribution for any coverage in the following month, that coverage will be continued to the end of the calendar month following the month in which employment was terminated.

(4) Employees paid for less than 12 months in a year, who are terminated at the end of the work year and who have made contributions for the non-work months, will continue to be covered to the end of the period for which they have made contributions, with the understanding that if they are not employed by another State-covered employer under this Plan at the beginning of the next work year, the employee will refund to the ex-employer the amount of the employer's cost paid for them during the non-paycheck months.

(5) Any employee receiving benefits pursuant to Article 6 of this Chapter when the employee has less than five years of retirement membership service, or an employee on leave of absence without pay due to illness or injury for up to 12 months, is entitled to continued coverage under the Plan for the employee and any eligible dependents by the employee's paying one hundred percent (100%) of the cost.

...."

SECTION 32. G.S. 135-48.50(1) and (5) read as rewritten:

"**§ 135-48.50. Coverage mandates.**

The Plan shall provide coverage subject to the following coverage mandates:

(1) Abortion coverage. – The Plan shall not provide coverage for abortions for which State funds could not be used under G.S. 143C-6-5.5. The Plan shall, however, provide coverage for subsequent complications or related charges arising from an abortion not covered under this subdivision. ~~Reserved.~~

...

(5) ~~Reserved.~~"

SECTION 33. G.S. 143-215.1(a6) reads as rewritten:

"(a6) No permit shall be required to enter into a contract for the construction, installation, or alteration of any treatment works or disposal system or to construct, install, or alter any treatment works or disposal system within the State when the system's or work's ~~principle~~ principal function is to conduct, treat, equalize, neutralize, stabilize, recycle, or dispose of industrial waste or sewage from an industrial facility and the discharge of the industrial waste or sewage is authorized under a permit issued for the discharge of the industrial waste or sewage into the waters of the State. Notwithstanding the above, the permit issued for the discharge may be modified if required by federal regulation."

SECTION 34. G.S. 143C-3-5 reads as rewritten:

"**§ 143C-3-5. Budget recommendations and budget message.**

...

(b) Odd-Numbered Fiscal Years. – In odd-numbered years the budget recommendations shall include the following components:

...

(3) A Current Operations ~~Appropriation~~ Appropriations Act that makes appropriations for each fiscal year of the upcoming biennium for the operating expenses of all State agencies as contained in the Recommended State Budget, together with a Capital Improvements Appropriations Act that authorizes any capital improvements projects.

(4) The biennial State Information Technology Plan as outlined in ~~G.S. 147-33-72B~~ G.S. 147-33.72B to be consistent in facilitating the goals outlined in the Recommended State Budget.

...

(d) Funds Included in Budget. – Consistent with requirements of the North Carolina Constitution, Article 5, ~~Section 7(a),~~Section 7(1), the Governor's Recommended State Budget, together with the Budget Support Document, shall include recommended expenditures of State funds from all Governmental and Proprietary Funds, as those funds are described in G.S. 143C-1-3. Except where provided otherwise by federal law, funds received from the federal government become State funds when deposited in the State treasury and shall be classified and accounted for in the Governor's budget recommendations no differently than funds from other sources.

...."

SECTION 35. G.S. 153A-155(g) reads as rewritten:

"(g) Applicability. – Subsection (c) of this section applies to all counties and county districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of a local act, subsection (c) supersedes that provision. The remainder of this section applies only to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell, Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Forsyth, Franklin, Granville, Halifax, Haywood, Jackson, Madison, Martin, McDowell, Montgomery, Moore, Nash, New Hanover, ~~New Hanover County District U,~~ Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, Washington, and Wilson Counties, to New Hanover County District U, to Surry County District S, to Watauga County District U, to Wilkes County District K, to Yadkin County District Y, and to the Township of Averasboro in Harnett County and the Ocracoke Township Taxing District."

SECTION 36. G.S. 159-175.10 reads as rewritten:

"**§ 159-175.10. Additional requirements for review of city financing application; communications service.**

The Commission shall apply additional requirements to an application for financing by a city or a joint agency under Part 1 of Article 20 of Chapter 160A of the General Statutes for the construction, operation, expansion, or repair of a communications system or other infrastructure for the purpose of offering communications service, as that term is defined in ~~G.S. 160A-340(2),~~G.S. 160A-340(3), that is or will be competitive with communications service offered by a private communications service provider. This section does not apply to the repair, rebuilding, replacement, or improvement of an existing communications network, or equipment relating thereto, but does apply to the expansion of such existing network. The additional requirements are the following:

(1) Prior to submitting an application to the Commission, a city or joint agency shall comply with the provisions of G.S. 160A-340.3 requiring at least two public hearings on the proposed communications service project and notice

of the hearings to private communications service providers who have requested notice.

(2) At the same time the application is submitted to the Commission, the city or joint agency shall serve a copy of the application on each person that provides competitive communications service within the city's jurisdictional boundaries or in areas adjacent to the city. No hearing on the application shall be heard by the Commission until at least 60 days after the application is submitted to the Commission.

(3) Upon the request of a communications service provider, the Commission shall accept written and oral comments from competitive private communications service providers in connection with any hearing or other review of the application.

(4) In considering the probable net revenues of the proposed communications service project, the Commission shall consider and make written findings on the reasonableness of the city or joint agency's revenue projections in light of the current and projected competitive environment for the services to be provided, taking into consideration the potential impact of technological innovation and change on the proposed service offerings and the level of demonstrated community support for the project.

(5) The city or joint agency making the application to the Commission shall bear the burden of persuasion with respect to subdivisions (1) through (4) of this section."

SECTION 37. G.S. 163-258.30(a) reads as rewritten:

"(a) The State Board of Elections shall adopt rules and regulations to carry out the intent and purpose of ~~G.S. 163-278.23 and G.S. 163-278.24~~G.S. 163-258.28 and G.S. 163-258.29 and to ensure that a proper list of persons voting under said sections shall be maintained by the boards of elections, and to ensure proper registration records, and such rules and regulations shall not be subject to the provisions of Article 2A of Chapter 150B of the General Statutes."

SECTION 38. Section 6(c) of S.L. 2011-96 reads as rewritten:

"**SECTION 6.(c)** Notwithstanding the two-year term limitation in G.S. 135-48.20(m), as enacted by Senate Bill 323 of the 2011 Regular Session, the terms of initial appointees under G.S. 135-48.20 shall be as follows and shall begin January 1, 2012:

(1) Two and one-half years. – Appointees under G.S. 135-48.20(i).

(2) Three and one-half years. – Appointees not under G.S. 135-48.20(i)."

SECTION 39. Section 19.1(g) of S.L. 2011-145, as amended by Section 43(c) of S.L. 2011-391, reads as rewritten:

"**SECTION 19.1.(g)** The following statutes are amended by deleting the language "Crime Control and Public Safety" wherever it appears and substituting "Public Safety": G.S. 7A-343.1, 8-50.2, 14-86.1, 14-309.7, 14-309.11, 15B-3, 15B-6, 17C-3, 17C-6, 18B-101, 18B-110, 19-2.1, 20-17.7, 20-39.1, 20-49, 20-79.5, 20-81.12, 20-116, 20-118, 20-119, 20-125, 20-178.1, 20-183.9, 20-183.10, 20-184, 20-185, 20-187, 20-187.1, 20-187.3, 20-188, 20-189, 20-190, 20-191, 20-192, 20-195, 20-196, 20-196.3, 20-196.4, 20-377, 20-379, 20-380, 20-381, 20-382.2, 20-383, 20-387, 20-389, 20-390, 20-391, 20-392, 20-393, 20-396, 20-397, 58-32-1, 58-78-1, 66-165, 66-168, 104E-8, 105-259, 105-269.3, 105-449.44, 120-12.1, 120-70.94, 122C-408, 122C-409, 122C-411, 122C-414, 126-5, 127A-17.1, 127A-19, 127A-20, 127A-21, 127A-22, 127A-35, 127A-40, 127A-42, 127A-43, 127A-54, 127A-57, 127A-80, 127A-81, 127A-107, 127A-139, 127A-161, 127A-162, 127A-163, 127A-164, 127C-2, 130A-475, 143-166.13, 143-215.52, 143-215.56, 143-215.93A, 143-215.94GG, 143-215.94HH, 143-341, 143-355.1, 143-651, 143-652.1, 143-652.2, 143-654, 143-655, 143-658, 143-661, 143-664, 143-726, ~~143A-79.2, 143A-239, 143A-240, 143A-241, 143A-242, 143A-243, 143A-244, 143A-245,~~ 143B-2, 143B-6, 143B-181, 143B-394.15, 143B-417, 143B-426.22, 143B-477,

143B-478, 143B-479, 143B-480, 143B-480.1, 143B-480.2, 143B-480.3, 143B-490, 143B-491, 143B-492, 143B-495, 143B-496, 143B-497, 143B-498, 143B-499, 143B-499.2, 143B-499.4, 143B-499.7, 143B-508, 143B-508.1, Parts 8 and 9 of Article 11 of Chapter 143B of the General Statutes, 143B-510, 146-30, 147-12, 150B-1, 161-11.4, 166A-5, 166A-6, 166A-6.03, 166A-6.1, 166A-14, 166A-18, 166A-21, 166A-26, 166A-28, 166A-60, 166A-61, and 166A-62. In all other instances in which the term "Crime Control and Public Safety" appears in the General Statutes, the Revisor of Statutes shall replace that term with "Public Safety"."

SECTION 40. Section 25 of S.L. 2011-284 is repealed.

SECTION 41. The introductory language of Section 12(b) of S.L. 2011-326 reads as rewritten:

"**SECTION 12.(b)** ~~G.S. 7B-1110.1(a)~~G.S. 7B-1101.1(a) reads as rewritten:".

SECTION 42.(a) The prefatory language of Section 30 of S.L. 2011-391 reads as rewritten:

"**SECTION 30.** Section 13.22(b) of Session Law 2011-145 ~~reads as rewritten:~~is rewritten to read:".

SECTION 42.(b) This section is retroactively effective July 1, 2011.

SECTION 43. The Revisor of Statutes may cause to be printed all explanatory comments of the drafters of S.L. 2011-339 and S.L. 2011-344 as the Revisor deems appropriate.

SECTION 44. The Revisor of Statutes may cause to be printed all explanatory comments of the drafters of S.L. 2011-341 as the Revisor deems appropriate.

PART II. OTHER AMENDMENTS

A. TECHNICAL CHANGES

SECTION 44.5. Any act of the 2011 Regular Session that refers to a bill of the "2012 Regular Session" shall be deemed to be a reference to a bill of the 2011 Regular Session.

SECTION 45.(a) G.S. 15A-1331A is recodified as G.S. 15A-1331.1.

SECTION 45.(b) G.S. 20-15.1 reads as rewritten:

"**§ 20-15.1. Revocations when licensing privileges forfeited.**

The Division shall revoke the license of a person whose licensing privileges have been forfeited under ~~G.S. 15A-1331A,~~ G.S. 15A-1331.1, 50-13.12, and 110-142.2. If a revocation period set by this Chapter is longer than the revocation period resulting from the forfeiture of licensing privileges, the revocation period in this Chapter applies."

SECTION 45.(c) G.S. 20-179.3(b)(2) reads as rewritten:

"(b) Eligibility. –

...

(2) Any person whose licensing privileges are forfeited pursuant to ~~G.S. 15A-1331A~~ G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds that at the time of the forfeiture, the person held either a valid drivers license or a drivers license that had been expired for less than one year and

a. The person is supporting existing dependents or must have a drivers license to be gainfully employed; or

b. The person has an existing dependent who requires serious medical treatment and the defendant is the only person able to provide transportation to the dependent to the health care facility where the dependent can receive the needed medical treatment.

The limited driving privilege granted under this subdivision must restrict the person to essential driving related to the purposes listed above, and any driving that is not related to those purposes is unlawful even though done at times and upon routes that may be authorized by the privilege."

SECTION 45.(d) G.S. 113-277(a4) reads as rewritten:

"(a4) The Wildlife Resources Commission shall order the surrender of any license or permit issued under this Article to a person whose licensing privileges have been forfeited under ~~G.S. 15A-1331A~~ G.S. 15A-1331.1 for the period specified by the court."

SECTION 45.(e) If Senate Bill 707, 2011 Regular Session, becomes law, G.S. 15A-1331B, as enacted by that act, is recodified as G.S. 15A-1331.2.

SECTION 45.5. G.S. 18B-1305(a1), as enacted by Section 1 of S.L. 2012-4, reads as rewritten:

"(a1) Termination by a Small Brewery. – A brewery's authorization to distribute its own malt beverage products pursuant to ~~G.S. 18B-1104(7)~~G.S. 18B-1104(8) shall revert back to the brewery, in the absence of good cause, following the fifth business day after confirmed receipt of written notice of such reversion by the brewery to the wholesaler. The brewery shall pay the wholesaler fair market value for the distribution rights for the affected brand. For purposes of this subsection, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy at the time the self-distribution rights revert back to the brewery, after each party has been provided all information relevant to the transaction."

SECTION 45.7. G.S. 20-79.4(b)(170) reads as rewritten:

"(170) Purple Heart Recipient. – Issuable to a recipient of the Purple Heart award. The plate shall bear the phrase "Purple Heart Veteran, Combat ~~Wounded" and the letters "PH".~~Wounded." A person may obtain from the Division a special registration plate under this subdivision for the registered owner of a motor vehicle or a motorcycle. A motorcycle plate issued under this subdivision shall bear a depiction of the Purple Heart Medal and the phrase "Purple Heart Veteran, Combat Wounded.""

SECTION 46.(a) G.S. 66-421(a) reads as rewritten:

"(a) Issuance of Permits. – The sheriff of each county shall issue a nonferrous metals purchase permit to an applicant if the applicant (i) has a fixed site in the sheriff's county; (ii) declares on a form provided by the sheriff that the applicant is informed of and will comply with the provisions of this Part; (iii) does not have a permit that has been revoked pursuant to ~~G.S. 66-324(b)~~ G.S. 66-424(b) at the time of the application; and (iv) has not been convicted of more than three violations of this Part. A permit shall be valid for 12 months and shall be valid only for fixed sites in the county of issuance. A permit shall be obtained for each fixed site at which nonferrous metals are purchased."

SECTION 46.(b) This section becomes effective October 1, 2012.

SECTION 47.(a) If House Bill 614, 2011 Regular Session, becomes law, G.S. 90-21.102, as enacted by that act, reads as rewritten:

"**§ 90-21.102. Definitions.**

The following definitions apply in this Article:

...

(3) Health care provider. – Any person who:

...

m. Is licensed to practice as a physician, physician assistant, dentist, pharmacist, optometrist, registered nurse, licensed practical nurse, dental hygienist, or optician under provisions of law of another state of the United States comparable to the provisions referenced in sub-subdivisions a. through ~~n.~~l. of this subdivision.

...

(5) Voluntary provision of health care services. – The provision of health care services by a health care provider in association with a sponsoring organization in which both of the following circumstances exist:

a. The health care services are provided without charge to the recipient of the services or to a third party on behalf of the recipient.
b. The health care provider receives no compensation or other consideration in exchange for the health care services provided.

For the purposes of this Article, the provision of health care services in ~~non-profit~~ nonprofit community health centers, local health department facilities, free clinic facilities, or at a ~~providers~~ provider's place of employment when the patient is referred by a ~~non-profit~~ nonprofit community health referral service shall not be considered the voluntary provision of health care."

SECTION 47.(b) If House Bill 614, 2011 Regular Session, becomes law, G.S. 90-21.104(d)(1), as enacted by that act, reads as rewritten:

"(d) Each registered sponsoring organization has the duty and responsibility to do all of the following:

(1) Except as provided in this subdivision, by no later than 14 days before a sponsoring organization initiates voluntary health care services in this State, the sponsoring organization shall submit to the Department a list containing the following information regarding each health care provider who is to provide voluntary health care services on behalf of the sponsoring organization during any part of the time period in which the sponsoring organization is authorized to provide voluntary health care services in the State:
a. Name.
b. Date of birth.
c. State of licensure.
d. License number.
e. Area of practice.
f. Practice address.

By no later than 3 days prior to voluntary health care services being rendered, a sponsoring organization may amend the list to add health care providers defined in G.S. 90-21.102(3)a. through ~~G.S. 90-21.102(3)m.~~ G.S. 90-21.102(3)l."

SECTION 47.(c) This section is effective January 1, 2013.

SECTION 48. G.S. 115C-107.7(a1) reads as rewritten:

"(a1) Any corporal punishment administered on students with disabilities shall be consistent with the requirements of ~~G.S. 115C-391(a)(5).~~G.S. 115C-390.4."

SECTION 49. G.S. 115C-309(a) reads as rewritten:

"(a) Student Teacher and Student Teaching Defined. – A "student teacher" is any student enrolled in an institution of higher education approved by the State Board of Education for the preparation of teachers who is jointly assigned by that institution and a local board of education to student teach under the direction and supervision of a regularly employed certified teacher.

"Student teaching" may include those duties granted to a teacher by G.S. 115C-307 ~~and 115C-390~~ and any other part of the school program for which either the supervising teacher or the principal is responsible."

SECTION 50. The title of S.L. 2012-92 reads as rewritten:

"AN ACT PROVIDING THAT AFTER DECEMBER 31, 2012, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TAMPER RESISTANT, TEN YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, ~~AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM,~~ AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE."

SECTION 51. If Senate Bill 229, 2011 Regular Session, is enacted, then Part XXIV of that act reads as rewritten:

"**PART XXIV. USE OF TVA SETTLEMENT FUNDS**

"**SECTION 30.** Funds received by the State pursuant to the provisions of the Consent Decree entered into by the State in State of Alabama et al. v. Tennessee Valley Authority, Civil Action 3:11-cv-00170 in the United States District Court for the Eastern District of Tennessee shall be used exclusively to award grants for "Environmental Mitigation Projects" of the types specified in paragraph 128 of the Consent Decree in the following counties: Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga, Yancey."

SECTION 52. Section 5 of S.L. 2012-77 is rewritten to read:

"**SECTION 5.** Section 5 of S.L. 2008-90, as amended by Section 1 of S.L. 2010-36, reads as rewritten:".

SECTION 53. Sections 49 and 50 of S.L. 2012-56 are repealed.

SECTION 54. Section 2.2 of S.L. 2012-18 reads as rewritten:

"**SECTION 2.2.** ~~G.S. 161-10(8a)~~ G.S. 161-10(a)(8a) is repealed."

SECTION 55.(a). G.S. 115C-12(38) and G.S. 115C-47(60) are repealed.

SECTION 55.(b). To ensure that the unique needs of students with immediate family members in the military are met, local boards of education shall collect and report to the State Board of Education by November 30, 2012, the following information for each school in the local school administrative unit:

(1) The number of students who have an immediate family member who has served in the reserve or active components of the Armed Forces of the United States since September 1, 2001.

(2) Whether during the relevant period the local school administrative unit employed at least one employee trained in the unique needs of children who have immediate family members in the military. An employee satisfies this requirement if the employee has received training on all of the following:

a. The number of children of members of the active or reserve components of the Armed Forces of the United States who live in the local school administrative unit.

b. Available curricula on military families.

c. The impact of deployments on the emotional and psychological well-being of the children and families.

d. Potential warning signs of emotional and mental health disorders, substance use disorders, suicide risks, child maltreatment, or domestic violence.

e. Appropriate resources to which students and their families may be referred as needed.

f. Scholarships for after-school and enrichment activities available through the United States Department of Defense, the National Guard, or the reserve components of the Armed Forces of the United States for the children of parents who are actively deployed.

(3) The frequency with which the employee described in subdivision (2) of this subsection provided training to school administrators, nurses, nurses aides, counselors, social workers, and other personnel in the local school administrative unit during the relevant period, and the number of staff trained.

The State Board of Education shall report no later than December 15, 2012, to the Joint Legislative Education Oversight Committee and to the House of Representatives and Senate

Appropriations Subcommittees on Education on information submitted to it pursuant to this section relating to the needs of students with immediate family members in the military.

SECTION 55.(c). G.S. 115C-288 is amended by adding a new subsection to read:

"(m) **To address the unique needs of students with immediate family members in the military.** – The principal shall develop a means for identifying and serving the unique needs of students who have immediate family members in the active or reserve components of the Armed Forces of the United States."

SECTION 56. If House Bill 237, 2011 Regular Session, becomes law, Section 8(f) of that act reads as rewritten:

"**SECTION 8.(f)** Reports to Committee. – Whenever a State agency is required by law to report to the General Assembly or to any of its permanent, study, or oversight committees or subcommittees on matters affecting the ~~workforce development~~ workers' compensation system, the Department shall transmit a copy of the report to the cochairs of the Committee."

B. CLARIFYING/CONFORMING CHANGES

SECTION 57. G.S. 20-79.4(b)(11) reads as rewritten:

"(11) American Red Cross. – Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear the ~~phrase "American Red Cross Saving Lives" and a red cross.~~phrases "Proud Supporter," "American Red Cross," and the official American Red Cross logo."

SECTION 58.1. If House Bill 1075, 2011 Regular Session, becomes law, G.S. 35A-1213(f), as enacted by Section 12(c) of that act, reads as rewritten:

"(f) An individual who contracts with, or is employed ~~by~~ by, an entity that contracts with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services may not serve as a guardian for a ward for whom the individual or entity is providing ~~such services.~~these services, unless the individual is a parent of that ward. The prohibition provided in this subsection shall not apply to a member of the ward's immediate family who is under contract with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services and is serving as a guardian as of January 1, 2013. For the purposes of this subsection, the term "immediate family" is defined as a spouse, child, sibling, parent, grandparent, or grandchild. The term also includes stepparents, stepchildren, stepsiblings, and adoptive relationships."

SECTION 58.2.(a) If House Bill 1075, 2011 Regular Session, does not become law, G.S. 122C-122 is repealed.

SECTION 58.2.(b) If House Bill 1075, 2011 Regular Session, does not become law, G.S. 35A-1202(4) reads as rewritten:

"**§ 35A-1202. Definitions.**

When used in the Subchapter, unless a contrary intent is indicated or the context requires otherwise:

...

(4) "Disinterested public agent" ~~means:~~means

~~a.~~ ~~The~~the director or assistant directors of a ~~local human services agency, or~~county department of social services.

~~b.~~ ~~An adult officer, agent, or employee of a State human services agency. The~~Except as provided in G.S. 35A-1213(f), the fact that a disinterested public agent ~~is employed by a State or local human services agency that~~ provides financial assistance, services, or treatment to a ward does not disqualify that person from being appointed as guardian.

...."

SECTION 58.2.(c) If House Bill 1075, 2011 Regular Session, does not become law, G.S. 35A-1213 reads as rewritten:

"**§ 35A-1213. Qualifications of guardians.**

(a) The clerk may appoint as guardian an adult individual, a corporation, or a disinterested public agent. The applicant may submit to the clerk the name or names of potential guardians, and the clerk may consider the recommendations of the next of kin or other persons.

(b) A nonresident of the State of North Carolina, to be appointed as general guardian, guardian of the person, or guardian of the estate of a North Carolina resident, must indicate in writing his willingness to submit to the jurisdiction of the North Carolina courts in matters relating to the guardianship and must appoint a resident agent to accept service of process for the guardian in all actions or proceedings with respect to the guardianship. Such appointment must be approved by and filed with the clerk, and any agent so appointed must notify the clerk of any change in the agent's address or legal residence. The clerk shall require a nonresident guardian of the estate or a nonresident general guardian to post a bond or other security for the faithful performance of the guardian's duties. The clerk may require a nonresident guardian of the person to post a bond or other security for the faithful performance of the guardian's duties.

(c) A corporation may be appointed as guardian only if it is authorized by its charter to serve as a guardian or in similar fiduciary capacities. A corporation shall meet the requirements outlined in Chapters 55 and 55D of the General Statutes. A corporation will provide a written copy of its charter to the clerk of superior court. A corporation contracting with a public agency to serve as guardian is required to attend guardianship training and provide verification of attendance to the contracting agency.

(d) A disinterested public agent who is appointed by the clerk to serve as guardian is authorized and required to do so; provided, if at the time of the appointment or any time subsequent thereto the disinterested public agent believes that his role or the role of his agency in relation to the ward is such that his service as guardian would constitute a conflict of interest, or if he knows of any other reason that his service as guardian may not be in the ward's best interest, he shall bring such matter to the attention of the clerk and seek the appointment of a different guardian. A disinterested public agent who is appointed as guardian shall serve in that capacity by virtue of his office or employment, which shall be identified in the clerk's order and in the letters of appointment. When the disinterested public agent's office or employment terminates, his successor in office or employment, or his immediate supervisor if there is no successor, shall succeed him as guardian without further proceedings unless the clerk orders otherwise.

(e) Notwithstanding any other provision of this section, an employee of a treatment facility, as defined in G.S. 35A-1101(16), may not serve as guardian for a ward who is an inpatient in or resident of the facility in which the employee works; provided, this subsection shall not apply to or affect the validity of any appointment of a guardian that occurred before October 1, 1987.

(f) An individual who contracts with or is employed by an entity that contracts with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services may not serve as a guardian for a ward for whom the individual or entity is providing these services, unless the individual is a parent of that ward. The prohibition provided in this subsection shall not apply to a member of the ward's immediate family who is under contract with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services and is serving as a guardian as of January 1, 2013. For the purposes of this subsection, the term "immediate family" is defined as a spouse, child, sibling, parent, grandparent, or grandchild. The term also includes stepparents, stepchildren, stepsiblings, and adoptive relationships."

SECTION 58.2.(d) If House Bill 1075, 2011 Regular Session, does not become law, G.S. 35A-1292(a) reads as rewritten:

"**§ 35A-1292. Resignation.**

(a) Any guardian who wishes to resign ~~may apply in writing to the clerk,~~shall file a motion with the clerk setting forth the circumstances of the case. If a general guardian or guardian of the estate, at the time of making the application, also exhibits his final account for settlement, and if the clerk is satisfied that the guardian has fully accounted, the clerk may accept the resignation of the guardian and discharge him and appoint a successor ~~guardian, but the~~guardian. The guardian so discharged and his sureties are still liable in relation to all matters connected with the guardianship before the ~~discharge.~~discharge and shall continue to ensure that the ward's needs are met until the clerk officially appoints a successor. The guardian shall attend the hearing to modify the guardianship, if physically able."

SECTION 58.2.(e) If House Bill 1075, 2011 Regular Session, does not become law, in order to achieve continuity of care and services, any successor guardian shall make diligent efforts to continue existing contracts entered into under the authority of G.S. 122C-122 where consistent with the best interest of the ward as required by Chapter 35A of the General Statutes.

SECTION 59.(a) G.S. 42-51(a)(3) reads as rewritten:

"**§ 42-51. Permitted uses of the deposit.**

(a) Security deposits for residential dwelling units shall be permitted only for the following:

...

(3) Damages as the result of the nonfulfillment of the rental period, except where the tenant terminated the rental agreement under G.S. 42-45, G.S. 42-45.1, or because the tenant was forced to leave the property because of the landlord's violation of Article 2A of Chapter 42 of the General Statutes or was constructively evicted by the landlord's violation of G.S. 42-42(a)."

SECTION 59.(b). G.S. 42-51(a)(2) reads as rewritten:

"**§ 42-51. Permitted uses of the deposit.**

(a) Security deposits for residential dwelling units shall be permitted only for the following:

...

(2) Damage to the premises, including damage to or destruction of smoke ~~detectors~~ alarms or carbon monoxide ~~detectors.~~alarms."

SECTION 59.(c) Subsection (a) of this section is effective October 1, 2012. Subsection (b) of this section is effective December 1, 2012.

SECTION 60. G.S. 66-58(b) is amended by adding a new subdivision to read:

"**§ 66-58. Sale of merchandise or services by governmental units.**

...

(b) The provisions of subsection (a) of this section shall not apply to:

...

(9a) The North Carolina Forest Service."

SECTION 60.5. G.S. 90-113.54 reads as rewritten:

"**§ 90-113.54. Posting of signs.**

(a) A retailer shall post a sign or placard in a clear and conspicuous manner in the area of the premises where the pseudoephedrine products are offered for sale substantially similar to the following: "North Carolina law strictly prohibits the purchase of ~~more than two packages (3.6 grams total)~~3.6 grams total of certain products containing pseudoephedrine per day, and more than ~~three packages (9 grams total)~~9 grams total of certain products containing

pseudoephedrine within a 30-day period. This store will maintain a record of all sales of these products which may be accessible to law enforcement officers."

SECTION 61. If Senate Bill 521, 2011 Regular Session, becomes law, G.S. 93A-83(c) reads as rewritten:

"(c) Required Contents of a Broker Price Opinion or Comparative Market Analysis. – A broker price opinion or comparative market analysis shall be in writing and conform to the standards provided in this Article that ~~may~~ shall include, but are not limited to, the following:

(1) A statement of the intended purpose of the broker price opinion or comparative market analysis.
(2) A brief description of the subject property and property interest to be priced.
(3) The basis of reasoning used to reach the conclusion of the price, including the applicable market data or capitalization computation.
(4) Any assumptions or limiting conditions.
(5) A disclosure of any existing or contemplated interest of the broker issuing the broker price opinion, including the possibility of representing the landlord/tenant or seller/buyer.
(6) The effective date of the broker price opinion.
(7) The name and signature of the broker issuing the broker price opinion and broker license number.
(8) The name of the real estate brokerage firm for which the broker is acting.
(9) The signature date.
(10) A disclaimer stating that "This opinion is not an appraisal of the market value of the property, and may not be used in lieu of an appraisal. If an appraisal is desired, the services of a licensed or certified appraiser shall be obtained. This opinion may not be used by any party as the primary basis to determine the value of a parcel of or interest in real property for a mortgage loan origination, including first and second mortgages, refinances, or equity lines of credit."
(11) A copy of the assignment request for the broker price opinion or comparative market analysis."

SECTION 61.2. If House Bill 950, 2011 Regular Session, becomes law, then Section 24.11 of that act reads as rewritten:

"**SECTION 24.11.** Notwithstanding G.S. 105-449.80(a), for the period July 1, 2012, through June 30, 2013, the motor fuel excise tax rate may not exceed thirty-seven and one-half cents (37 1/2¢) a gallon. For the period beginning July 1, 2012, and ending August 1, 2012, a taxpayer is not liable for an over-collection or under-collection of the excise tax on motor fuel if the taxpayer made a good faith effort to comply with the law and collect the proper amount of tax and has, due to the change made under this section in the rate of tax imposed under G.S. 105-449.80(a), over-collected or under-collected the amount of excise tax that is due.".

SECTION 61.5.(a) If House Bill 462, 2011 Regular Session, becomes law, G.S. 116B-8, as enacted in Section 3 of the act, reads as rewritten:

"**§ 116B-8. Employment of persons with specialized skills or knowledge.**

The Treasurer may employ the services of such independent consultants, real estate managers and other persons possessing specialized skills or knowledge as the Treasurer deems necessary or appropriate for the administration of this Chapter, including valuation, maintenance, upkeep, management, sale and conveyance of property and determination of sources of unreported abandoned property. The Treasurer may also employ the services of an attorney to perform a title search or to provide an accurate legal description of real property which the Treasurer has reason to believe may have escheated. Persons whose services are employed by the Treasurer pursuant to this section to determine sources and amounts of

unreported property are subject to the same policies, including confidentiality and ethics, as employees of the Department of State Treasurer assigned to determine sources and amounts of unreported property. If the Treasurer contracts with any other person to conduct an audit under this Chapter, the audit shall not be performed on a contingent fee basis or any other similar method that may impair an auditor's independence or the perception of the auditor's independence by the public. Notwithstanding the preceding sentence, the Treasurer may contract with any other person on a contingent fee basis to conduct audits of life insurance companies where the audit is being conducted for the purpose of identifying unclaimed death benefits or to conduct audits of holders of unredeemed bond funds. Compensation of persons whose services may be employed pursuant to this section on a contingent fee basis shall be limited to twelve percent (12%) of the final assessment."

SECTION 61.5.(b) If House Bill 462, 2011 Regular Session, becomes law, Section 6 of the act reads as rewritten:

"**SECTION 6.** ~~This act becomes effective July 1, 2012, and applies to audits, determinations of liability, and assessments contracted for on or after that date. Units of local government and the Treasurer shall not renew contingency fee based contracts for these services after July 1, 2012.~~Sections 1, 3, and 3.1 of this act become effective October 1, 2012. The Treasurer shall not renew any contingency fee based contracts for these services after October 1, 2012. The Treasurer shall not assign further audits on a contingency fee basis to an auditing firm under a contract that meets all the following conditions: (i) the contract would have been prohibited under this act had the contract been entered into after October 1, 2012, and (ii) the contract allows the assignment of audits on a discretionary basis by the Treasurer. Sections 2, 4, and 5 become effective July 1, 2013, and expire July 1, 2015. From July 1, 2013, until July 1, 2015, cities and counties shall not renew any contingency fee based contracts for these services. From July 1, 2013 until July 1, 2015, cities and counties shall not assign further audits on a contingency fee basis to an auditing firm under a contract that meets all the following conditions: (i) the contract would have been prohibited under this act had the contract been entered into after July 1, 2013, and (ii) the contract allows the assignment of audits on a discretionary basis. The remainder of the act is effective when the act becomes law."

SECTION 62. If House Bill 438, 2011 Regular Session, becomes law, G.S. 130A-1.1(b) reads as rewritten:

"(b) A local health department shall ensure that the following 10 essential public health services are available and accessible to the population in each county served by the local health department:

(1) Monitoring health status to identify community health problems.
(2) Diagnosing and investigating health hazards in the community.
(3) Informing, educating, and empowering people about health issues.
(4) Mobilizing community partnerships to identify and solve health problems.
(5) Developing policies and plans that support individual and community health efforts.
(6) Enforcing laws and regulations that protect health and ensure safety.
(7) Linking people to needed personal health care services and ~~assuring~~ ensuring the provision of health care when otherwise unavailable.
(8) ~~Assuring~~ Ensuring a competent public health workforce and personal health care workforce.
(9) Evaluating effectiveness, accessibility, and quality of personal and population-based health services.
(10) Conducting research."

SECTION 62.1. G.S. 150B-43 reads as rewritten:

"**§ 150B-43. Right to judicial review.**

Any party or person aggrieved by the final decision in a contested case, and who has exhausted all administrative remedies made available to the party or person aggrieved by statute or agency rule, is entitled to judicial review of the decision under this Article, unless adequate procedure for judicial review is provided by another statute, in which case the review shall be under such other statute. Nothing in this Chapter shall prevent any party or person aggrieved from invoking any judicial remedy available to the party or person aggrieved under the law to test the validity of any administrative action not made reviewable under this Article. Absent a specific statutory requirement, nothing in this Chapter shall require a party or person aggrieved to petition an agency for rulemaking or to seek or obtain a declaratory ruling before obtaining judicial review of a final decision or order made pursuant to G.S. 150B-34.'".

SECTION 62.5. G.S. 153A-316.1(a), as enacted by S.L. 2012-73, reads as rewritten:

"**§ 153A-316.1. Urban research service district (URSD).**

(a) Standards. – The board of commissioners of a county may establish one or more urban research service districts ("URSD" as used in this Part) that meets the following standards:

(1) The URSD is wholly within a county research and production service district located partly within that county.

(2) The URSD is located wholly within that county.

(3) The URSD is not contained within another URSD.

(4) A petition requesting creation of the URSD signed by at least fifty percent (50%) of the owners of real property in the URSD who own at least fifty (50%) of total area of the real property in the URSD has been presented to the board of commissioners."

SECTION 63. Section 5 of S.L. 2011-236 reads as rewritten:

"**SECTION 5.** This act becomes effective October 1, 2011, and applies to agreements executed on or after that date. Agreements executed prior to October 1, 2011, remain subject to the laws in effect at the time the parties executed the ~~agreement.~~agreement; differences in wording between procedures authorized to establish agreements under the laws repealed by this act and under the superseding laws enacted by this act clarify the permitted procedures under the repealed laws."

C. SUBSTANTIVE CHANGES

SECTION 63.5. G.S. 7A-41.1(b) reads as rewritten:

"(b) There shall be one and only one senior resident superior court judge for each district or set of districts as defined in subsection (a) of this section, who shall be:

(1) Where there is only one regular resident superior court judge for the district, that judge; and

(2) Where there are two or more regular resident superior court judges for the district or set of districts, ~~the Chief Justice of the Supreme Court shall designate one of the judges as senior resident superior court judge to serve in that capacity at the pleasure of the Chief Justice. In exercising the authority to appoint senior resident superior court judges pursuant to this subdivision, the Chief Judge shall consider the seniority, experience, and management competence of the regular resident superior court judges. In addition, the Chief Justice shall consult with the regular resident superior court judges, the chief district court judges, the members of the district bar, the clerks of court, district attorneys, and public defenders within the district.~~the judge who, from among all the regular resident superior court judges of the district or set of districts, has the most continuous service as a regular resident superior court judge; provided if two or more judges are of equal seniority,

the oldest of those judges shall be the senior regular resident superior court judge.

(3) Where there is a set of districts, the Chief Justice of the Supreme Court shall designate one of the judges as senior resident superior court judge to serve in that capacity at the pleasure of the Chief Justice, if that set of districts are wholly contained in one county that is specified in law as the sole proper venue for certain actions."

SECTION 64. G.S. 18C-151(c) reads as rewritten:

"(c) Before a contract is awarded, the Director shall conduct a thorough background investigation of all of the following:

(1) The potential contractor to whom the contract is to be awarded.

(2) Any parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

(3) All shareholders with a five percent (5%) or more interest in the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded. For purposes of this subdivision, "shareholders" means any natural person or those individuals with capabilities to make operating decisions for the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

(4) All officers and directors of the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded."

SECTION 65. Part 9 of Article 1 of Chapter 10B of the General Statutes is amended by adding a new section to read:

"**§ 10B-72. Certain notarial acts validated when recommissioned notary failed to again take oath.**

Any acknowledgment taken and any instrument notarized by a person who after recommissioning failed to again take the oath as a notary public is hereby validated. The acknowledgment and instrument shall have the same legal effect as if the person qualified as a notary public at the time the person performed the act. This section shall apply to notarial acts performed on or after August 28, 2010, and before January 12, 2012."

SECTION 65.3(a) If Senate Bill 42, 2011 Regular Session, becomes law, the lead in language of Section 6.1 of Senate Bill 42 reads as rewritten:

"**SECTION 6.1.** G.S. 44A-23 ~~is amended to read as follows~~reads as rewritten:".

SECTION 65.3.(b) If both House Bill 1052, 2011 Regular Session, and Senate Bill 42, 2011 Regular Session, become law, G.S. 44A-23(c) reads as rewritten:

"**§ 44A-23. Contractor's claim of lien on real property; perfection of subrogation rights of subcontractor.**

...

(c) A lien waiver signed by the contractor ~~prior to the commencement of an action to enforce a perfected claim of lien on real property granted under this section~~ before the occurrence of all of the actions specified in subsection (a1) and subdivision (b)(5) of this section waives the subcontractor's right to enforce the contractor's claim of lien on real property, but does not affect the subcontractor's right to a claim of lien on funds or the subcontractor's right to a claim of lien on real property allowed under G.S. 44A 20(d).".

SECTION 65.3.(c). Subsection (b) of this section becomes effective April 1, 2013, and applies to improvements to real property for which the first furnishing of labor or materials at the site of the improvements is on or after that date.

SECTION 65.5. If House Bill 237, 2011 Regular Session, becomes law, then G.S. 58-36-17, as enacted by House Bill 237 reads as rewritten:

"**§ 58-36-17. Bureau to share information with the North Carolina Industrial Commission.**

The Bureau shall provide to the North Carolina Industrial Commission information contained in the Bureau's records indicating the status of workers' compensation insurance coverage on North Carolina employers as reported to the Bureau by the Bureau's member companies. The North Carolina Industrial Commission shall take such steps, including obtaining software or software licenses, as are necessary to be able to receive and process such information from the Bureau. The records provided to the North Carolina Industrial Commission under this section shall be confidential and shall not be public records as that term is defined in ~~G.S. 132-1.~~ G.S. 132-1. Notwithstanding the previous sentence and with respect to policies becoming effective on and after January 1, 2012, the North Carolina Industrial Commission may release data showing workers compensation insurance policy information that includes only policy effective dates, policy cancellation dates and policy reinstatement dates. This data shall not be confidential data and shall be a public record as that term is defined in G.S. 132.1. The North Carolina Industrial Commission shall use the information provided pursuant to this section only to carry out its statutory duties and obligations under The North Carolina Workers' Compensation Act. The Bureau shall be immune from civil liability for releasing information pursuant to this section, even if the information is erroneous, provided the Bureau acted in good faith and without malicious or willful intent to harm in releasing the information."

SECTION 65.8.(a) G.S. 89G-3 is amended by adding a new subdivision to read:

"(17) Any person who can document 10 years in business as an irrigation contractor as of January 1, 2009, can document competency in the practice of irrigation construction or irrigation contracting, as determined by the North Carolina Irrigation Contractors' Licensing Board, and meets all other requirements and qualifications for licensure may be issued an irrigation contractor's license under Chapter 89G of the General Statutes, without the requirement of examination, provided that the person submits an application for licensure to the Board prior to October 1, 2012."

SECTION 65.8.(b) The North Carolina Irrigation Contractors' Licensing Board shall notify the North Carolina Cooperative Extension of the provision for licensure of experienced irrigation contractors without the requirement of an examination as provided in G.S. 89G-3(17) as quickly as practicable upon the effective date of this section.

SECTION 66. G.S. 93D-5(c) reads as rewritten:

"(c) No license shall be issued to any person until the person has served as an apprentice as set forth in G.S. 93D-9 for a period of at least one year; provided, that the one-year apprenticeship requirement shall ~~not~~ be waived ~~for persons~~ for:

(1) Persons qualified under ~~G.S. 93D-6; persons~~ G.S. 93D-6.

(2) Persons holding a permanent license as an audiologist under Article 22 of Chapter 90 of the General ~~Statutes~~ Statutes.

(3) Persons holding a temporary license as an audiologist under Article 22 of Chapter 90 of the General Statutes who have undergone 250 hours of supervised activity fitting or selling hearing aids under the direct supervision of a Registered Sponsor.

(4) Persons continuously licensed to fit or sell hearing aids in another state or jurisdiction for the preceding three ~~years; and persons~~ years.

(5) Persons who have worked full-time for one year in the office of and under the direct supervision of an otolaryngologist fitting or selling hearing aids."

SECTION 66.5.(a) 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 9:00 A.M. on the second Wednesday in January next after their election, and on that day they shall meet solely to elect officers, adopt rules, and otherwise organize the session. When they adjourn that day, they stand adjourned until 12:00 noon on the third Wednesday after the second Monday in January next after their election."

SECTION 66.5.(b). G.S. 150B-21.3(d) reads as rewritten:

"(d) Legislative Day and Day of Adjournment. – As used in this section:

(1) A "legislative day" is a day on which either house of the General Assembly convenes in regular session.

(2) The "day of adjournment" of a regular session held in an odd-numbered year is the day the General Assembly adjourns by joint resolution for more than ~~10~~ 30 days.

(3) The "day of adjournment" of a regular session held in an even-numbered year is the day the General Assembly adjourns sine die."

SECTION 66.7.(a). G.S. 120-30.10 reads as rewritten:

"**§ 120-30.10. Creation; appointment of members; members ex officio.**

(a) There is hereby created a Legislative Research Commission to consist of five Senators to be appointed by the President pro tempore of the Senate and five Representatives to be appointed by the Speaker of the House. The President pro tempore of the Senate and the Speaker of the ~~House~~ House, or their designees, shall be ex officio members of the Legislative Research Commission. Provided, that when the President of the Senate has been elected by the Senate from its own membership, then the President of the Senate shall make the appointments of the Senate members of the Legislative Research Commission, shall serve ex officio as a member of the Commission and shall perform the duties otherwise vested in the President pro tempore by G.S. 120-30.13 and 120-30.14.

(b) The ~~cochairmen of the Legislative Research Commission~~ President pro tempore of the Senate and the Speaker of the House may appoint additional members of the General Assembly to work with the regular members of the Research Commission on study committees. The terms of the additional study committee members shall be limited by the same provisions as apply to regular commission members, and they may be further limited by the appointing authorities.

(c) The ~~cochairmen of the Legislative Research Commission~~ President pro tempore of the Senate and the Speaker of the House may appoint persons who are not members of the General Assembly to advisory subcommittees. The terms of advisory subcommittee members shall be limited by the same provisions as apply to regular Commission members, and they may be further limited by the appointing authorities."

SECTION 66.7.(b). G.S. 120-30.13 reads as rewritten:

"**§ 120-30.13. Cochairmen; rules of procedure; quorum.**

The President pro tempore of the Senate and the Speaker of the ~~House~~ House, or their designees, shall serve as cochairmen of the Legislative Research Commission. The Commission shall adopt rules of procedure governing its meetings. Eight members, including ex officio members, shall constitute a quorum of the Commission."

SECTION 67. G.S. 146-30(c) reads as rewritten:

"(c) The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this Subchapter, the net proceeds derived from the sale of land or products of land owned by or under the supervision and control of the Wildlife Resources Commission, or acquired or

purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net proceeds derived from the sale of land or timber from land owned by or under the supervision and control of the Department of Agriculture and Consumer Services shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture and Consumer Services, to be used for such specific capital improvement projects or other purposes as are provided by transfer of funds from those accounts in the Capital Improvement Appropriations Act. Provided further, the net proceeds derived from the sale of park land owned by or under the supervision and control of the Department of Environment and Natural Resources shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Administration to be used for the purpose of park land acquisition as provided by transfer of funds from those accounts in the Capital Improvement Appropriations Act. In the Capital Improvement Appropriations Act, line items for purchase of park and agricultural lands will be established for use by the Departments of Administration and Agriculture. The use of such funds for any specific capital improvement project or land acquisition is subject to approval by the Director of the Budget. No other use may be made of funds in these line items without approval by the General Assembly except for incidental expenses related to the project or land acquisition. Additionally with the approval of the Director of the Budget, either Department may request funds from the Contingency and Emergency Fund when the necessity of prompt purchase of available land can be demonstrated and funds in the capital improvement accounts are insufficient. Provided further, the net proceeds derived from the sale of any portion of the land owned by the State in or around the Butner Reservation on or after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Health and Human Services to make capital improvements on or to property owned by the State in the Butner Reservation subject to approval by the Office of State Budget and Management, and may be used to build industrial access roads to industries located or to be located on the Butner Reservation, to construct new city streets in the Butner Reservation, extend water and sewer service on the Butner Reservation, repair storm drains on the Butner Reservation, and for other capital uses on the Reservation as determined by the Secretary. Provided further, notwithstanding any other provision of this Subchapter, the proceeds derived from the lease dispositions of land or facilities owned or under the supervision and control of East Carolina University's Division of Health Sciences for the delivery of health care services shall be deposited in clinical accounts at East Carolina University to be used to improve access to patient care."

SECTION 67.5.(a) G.S. 143-59 reads as rewritten:

"**§ 143-59. Preference given to North Carolina products and citizens, and articles manufactured by State agencies; reciprocal preferences.**

(a) Preference. – The Secretary of Administration and any State agency authorized to purchase foodstuff or other products, shall, in the purchase of or in the contracting for foods, supplies, materials, equipment, printing or services give preference as far as may be practicable to such products or services manufactured or produced in North Carolina or furnished by or through citizens of North Carolina: Provided, however, that in giving such preference no sacrifice or loss in price or quality shall be permitted; and provided further, that preference in all cases shall be given to surplus products or articles produced and manufactured by other State departments, institutions, or agencies which are available for distribution.

(b) Reciprocal Preference. – For the purpose only of determining the low bidder on all contracts for equipment, materials, supplies, and services valued over twenty-five thousand dollars ($25,000), a percent of increase shall be added to a bid of a nonresident bidder that is equal to the percent of increase, if any, that the state in which the bidder is a resident adds to bids from bidders who do not reside in that state. Any amount due under a contract awarded to a nonresident bidder shall not be increased by the amount of the increase added by this

subsection. On or before January 1 of each year, the Secretary of Administration shall electronically publish a list of states that give preference to in-State bidders and the amount of the percent increase added to out-of-state bids. All departments, institutions, and agencies of the State shall use this list when evaluating bids. If the reciprocal preference causes the nonresident bidder to no longer be the lowest bidder, the Secretary of Administration may, after consultation with the Board of Awards, waive the reciprocal preference. In determining whether to waive the reciprocal preference, the Secretary of Administration and the Board of Awards shall consider factors that include competition, price, product origination, and available resources.

(b1) Price Preference. – For any contract for equipment, materials, supplies and services a resident bidder shall be given time, not to exceed three business days, to match or lower the bid of the lowest responsible non-resident bidder only if the resident bidder's bid was within five percent (5%) or ten thousand dollars ($10,000.00) of the lowest responsible non-resident bidder's bid, whichever is less.

(c) Definitions. – The following definitions apply in this section:

(1) Resident bidder. – A bidder that has paid unemployment taxes or income taxes in this State ~~and~~ or whose principal place of business is located in this State.

(2) Nonresident bidder. – A bidder that is not a resident bidder as defined in subdivision (1) of this subsection.

(3) Principal place of business. – The principal place from which the trade or business of the bidder is directed or managed.

(d) Exemptions. – Subsection (b) of this section shall not apply to contracts entered into under G.S. 143-53(a)(5) or G.S. 143-57.

(e) When a contract is awarded by the Secretary using the provisions of subsection (b) of this section, a report of the nature of the contract, the bids received, and the award to the successful bidder shall be posted on the Internet as soon as practicable.

(f) Resident Bidder Notification. – When the Secretary puts a contract up for competitive bidding, the Secretary shall endeavor to provide notice to all resident bidders who have expressed an interest in bidding on contracts of that nature. The Secretary may opt to provide notice under this section by electronic means only."

SECTION 67.5.(b) This section becomes effective October 1, 2012, and applies to contracts entered into or renewed on or after that date.

SECTION 68.(a) G.S. 143-553(a) reads as rewritten:

"(a) All persons employed by an employing entity as defined by this Part who owe money to the State and whose salaries are paid in whole or in part by State funds must make full restitution of the amount owed as a condition of continuing employment; provided, however, that no employing entity shall terminate for failure to make full restitution the employment of such an employee who owes money to the University of North Carolina Health Care System or to East Carolina University's Division of Health Sciences for health care services."

SECTION 68.(b) G.S. 147-86.11(e) reads as rewritten:

"(e) Elements of Plan. – For moneys received or to be received, the statewide cash management plan shall provide at a minimum that:

(1) Except as otherwise provided by law, moneys received by employees of State agencies in the normal course of their employment shall be deposited as follows:

a. Moneys received in trust for specific beneficiaries for which the employee-custodian has a duty to invest shall be deposited with the State Treasurer under the provisions of G.S. 147-69.3.

b. All other moneys received shall be deposited with the State Treasurer pursuant to G.S. 147-77 and G.S. 147-69.1.

(2) Moneys received shall be deposited daily in the form and amounts received, except as otherwise provided by statute.

(3) Moneys due to a State agency by another governmental agency or by private persons shall be promptly billed, collected and deposited.

(4) Unpaid billings due to a State agency other than amounts owed by patients to the University of North Carolina Health Care System or East Carolina University's Division of Health Sciences shall be turned over to the Attorney General for collection no more than 90 days after the due date of the billing, except that a State agency need not turn over to the Attorney General unpaid billings of less than five hundred dollars ($500.00), or (for institutions where applicable) amounts owed by all patients which are less than the federally established deductible applicable to Part A of the Medicare program, and instead may handle these unpaid bills pursuant to agency debt collection procedures.

(4a) The University of North Carolina Health Care System and East Carolina University's Division of Health Sciences may turn over to the Attorney General for collection accounts owed by patients.

(5) Moneys received in the form of warrants drawn on the State Treasurer shall be deposited by the State agency directly with the State Treasurer and not through the banking system, unless otherwise approved by the State Treasurer.

(6) State agencies shall accept payment by electronic payment in accordance with G.S. 147-86.22 to the maximum extent possible consistent with sound business practices."

SECTION 68.(c) G.S. 147-86.23, as amended by Section 14 of S.L. 2012-78, reads as rewritten:

"**§ 147-86.23. Interest and penalties.**

A State agency shall charge interest at the rate established pursuant to G.S. 105-241.21 on a past-due account receivable from the date the account receivable was due until it is paid. A State agency shall add to a past-due account receivable a late payment penalty of no more than ten percent (10%) of the account receivable. A State agency may waive a late-payment penalty for good cause shown. If another statute requires the payment of interest or a penalty on a past-due account receivable, this section does not apply to that past-due account receivable. This section does not apply to money owed to the University of North Carolina Health Care System or to East Carolina University's Division of Health Sciences for health care services or to the North Carolina Turnpike Authority for money owed to the Authority for tolls."

SECTION 69. Section 9(a) of Part IV of Chapter 908 of the 1983 Session Laws, as amended by Chapters 821 and 922 of the 1989 Session Laws, Section 2 of S.L. 2001-402, and Section 1 of S.L. 2011-160, reads as rewritten:

"Sec. 9. (a) Distribution and Use of Proceeds. – The local administrative authority, acting on its own behalf or as agent for each taxing entity, shall distribute the proceeds of the taxes levied in this Part as provided in this subsection. The distribution shall be made by the 20th day of each month following the month in which the tax is collected.

...

(4) Distribution to Charlotte for Convention and Visitor Promotion and Other Tourism-Related Purposes. –

...

d. The Towns of Cornelius, Davidson, and Huntersville shall distribute on a quarterly basis to the Lake Norman Convention and Visitors

Bureau from the portion of prepared food and beverage taxes received from the City of Charlotte for the purpose of tourism-marketing promotions an amount not less than the sum of the following:

1. Twenty-eight percent (28%) of the portion of occupancy tax net proceeds received from the local administrative authority.
2. Twenty-five percent (25%) of the portion of prepared food and beverage taxes received from the City of Charlotte."

SECTION 70. If House Bill 950, 2011 Regular Session, becomes law, then Section 10.9F(c)(2) reads as rewritten:

"(2) The recipient (i) resides ~~either~~ in a private living arrangement, a residential facility licensed by the State of North Carolina as an adult care home, or a combination home as defined in ~~G.S. 131E-101(1a).~~G.S. 131E-101(1a); or (ii) resides in a group home licensed under Chapter 122C of the General Statutes and under 10A NCAC 27G .5601 as a supervised living facility for two or more adults whose primary diagnosis is mental illness, a developmental disability, or substance abuse dependency, and is eligible to receive personal care services under the Medicaid State Plan."

SECTION 71. Article 13A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-210.25B. Persons who shall not be licensed under this Article.**

(a) The board shall not issue or renew any licensure, permit, or registration to any person or entity who has been convicted of a sexual offense against a minor.

(b) For purposes of this Article, the term "sexual offense against a minor" means a conviction of any of the following offenses: G.S. 14-27.4A(a) (sex offense with a child; adult offender), G.S. 14-27.7A (statutory rape or sexual offense of person who is 13, 14, or 15 years old where the defendant is at least six years older), G.S. 14-190.16 (first-degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term shall also include a conviction of the following: any attempt, solicitation, or conspiracy to commit any of these offenses or any aiding and abetting any of these offenses. The term shall also include a conviction in another jurisdiction for an offense which if committed in this State has the same or substantially similar elements to an offense against a minor as defined by this section.

(c) If a person or entity holding a license, permit, or registration in another jurisdiction has the license revoked, suspended, or placed on probation because of a felony conviction other than those enumerated above, the board shall impose a sanction equal to or greater than to the sanction imposed by the other jurisdiction.

(d) If a person or entity holding a license, permit, or registration in another jurisdiction has the license revoked, suspended, or placed on probation because of conduct related to fitness to practice as described in G.S. 90-210.25(e), the board shall impose a sanction equal to or greater than the sanction imposed by the other jurisdiction."

SECTION 71.5(a). If House Bill 950, 2011 Regular Session, becomes law, Section 24.20 is repealed

SECTION 71.5(b). Section 52 of S.L. 2011-391 reads as rewritten:

"**SECTION 28.12A.** The Program Evaluation Division of the General Assembly shall conduct a comprehensive evaluation of the North Carolina Railroad Company, a North Carolina corporation of which the State is the sole shareholder and which is a discretely reported component unit of the State as defined by the Governmental Accounting Standards Board. The evaluation shall address, at a minimum, the following issues:

(1) Whether the corporation is adhering to its stated corporate mission of maximizing the value of the corporation for the people of the State.

(2) What economic development benefits have been provided by the corporation and for what costs.

(3) An evaluation of the use of available cash by the corporation, including the purchase of real property used for investment purposes rather than paying dividends to the State.

(4) The approximate value of the corporation's assets, based on a market valuation rather than historic or book value of assets.

(5) The approximate value of the entire corporation as a going concern.

(6) The effectiveness of the provisions of Chapter 124 of the General Statutes to allow the State to exercise its shareholder rights and to provide effective shareholder oversight of the corporation.

(7) Whether the ownership of the corporation provides the State a reasonable return on its investment, attempting to consider both the tangible and intangible value provided by the corporation.

(8) Whether the corporation should be sold, transferred under the jurisdiction of the Department of Transportation or another State agency, or maintain its corporate structure.

(9) Whether the General Assembly should consider the possibility of repealing the corporate charter of the corporation by a special act, as allowed under Section 1 of Article VIII of the North Carolina Constitution.

For the purposes of this evaluation, the terms "State agency" or "agency" as used under Article 7C of Chapter 120 of the General Statutes shall include the North Carolina Railroad Company.

For the purposes of this evaluation, the Program Evaluation Division is hereby granted authority to exercise the State's shareholder right to inspect the corporate books and records of the North Carolina Railroad Company on behalf of the State.

~~From funds available to the Joint Legislative Transportation Oversight Committee, the Program Evaluation Division may hire consultants to aid it in its evaluation, including experts in appraisal and valuation.~~

The Program Evaluation Division shall report the results of its study to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Transportation Oversight Committee no later than November 1, 2012."

SECTION 71.5.(c). The Program Evaluation Division of the General Assembly shall study, in conjunction with the Department of Administration, the inventory of all State-owned lands and the issue of public ownership of lands submerged under navigable rivers in the State.

SECTION 71.5(d) The Program Evaluation Division shall submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee no later than January 15, 2013.

SECTION 71.6. Section 13 of S.L. 2009-521, as amended by Section 24 of S.L. 2011-326, reads as rewritten:

"**SECTION 13.** Any natural hair care specialist who submits proof to the Board that the natural hair care specialist is actively engaged in the practice of a natural hair care specialist on the effective date of this act, passes an examination conducted by the Board and pays the required fee under G.S. 88B-20 shall be licensed without having to satisfy the requirements of G.S. 88B-10.1, enacted by Section 2 of this act. A cosmetic art shop that practices natural hair care only and that submits proof to the Board that the shop is actively engaged in the practice of natural hair care on the effective date of this act shall have ~~two years~~ three years from the date of this act to comply with the requirements of G.S. 88B-14. All persons who do not make

application to the Board within ~~two years~~three years of the effective date of this act shall be required to complete all training and examination requirements prescribed by the Board and to otherwise comply with the provisions of Chapter 88B of the General Statutes."

SECTION 71.7. If Senate Bill 177 2011 Regular Session becomes law, then Section 2 is repealed.

SECTION 71.8. If House Bill 837 becomes law then Section 2 of that act reads as rewritten:

"**SECTION 2.** The State Board of Education shall work in cooperation with the American Heart Association, the American Red Cross, and other nationally recognized programs to develop a strategic plan to phase in successful completion of cardiopulmonary resuscitation instruction as a requirement for high school graduation by the 2014-2015 school year. The plan shall include costs of, and details regarding, procedures for:

...

(3) Requiring successful completion of cardiopulmonary resuscitation instruction as a requirement for high school graduation by the ~~2013-2014~~ 2014-2015 school year.

...."

SECTION 71.9.(a) If House Bill 950, 2011 Regular Session, becomes law, then Section 24.21.(a) reads as rewritten:

'**SECTION 24.21.(a)** Prior to establishing or collecting any tolls on Interstate 95, the ~~The~~ Department of Transportation shall conduct a comprehensive study of the impact of tolling Interstate 95 on the corridor and surrounding areas ~~the transportation corridor containing Interstate 95,~~ including, but not limited to, the following:

(1) The economic impact ~~of tolling the present road~~ on the residents and businesses along the Interstate 95 corridor.

(2) The impact ~~of tolling the present road~~ on the alternative routes to Interstate 95, including expected increased traffic on those routes, any safety issues created by any increased traffic on those routes, and expected travel time delays for drivers using the alternative routes.

~~(3) New or existing alternative routes for Interstate 95.~~

~~(4) Options for funding to make critical repairs and lane mile expansions to Interstate 95 without the use of tolls.~~

The Department shall conduct a campaign and solicit feedback on its various tolling proposals from the local governments and residents along the Interstate 95 corridor.'

SECTION 71.9..(b) If House Bill 950, 2011 Regular Session, becomes law, then Section 24.21.(b) is repealed.

SECTION 71.9..(c) If House Bill 950, 2011 Regular Session, becomes law, then Section 24.21.(c) reads as rewritten:

'**SECTION 24.21.(c)** Notwithstanding G.S. 136-89.198, the Department of Transportation shall not ~~establish or collect tolls~~toll Interstate 95 prior to ~~July 1, 2014.~~approval by the General Assembly.'

SECTION 71.9..(d). If House Bill 950, 2011 Regular Session, does not become law, then prior to establishing or collecting any tolls on Interstate 95, the Department of Transportation shall conduct a comprehensive study of the impact of tolling Interstate 95 on the corridor and surrounding areas, including, but not limited to, the following:

(1) The economic impact on residents and businesses along the Interstate 95 corridor.

(2) The impact on the alternative routes to Interstate 95, including expected increased traffic on those routes, any safety issues created by any increased traffic on those routes, and expected travel time delays for drivers using the alternative routes.

The Department shall conduct a campaign to solicit feedback on its various tolling proposals from the local governments and residents along the Interstate 95 corridor.

SECTION 71.9.(e). If House Bill 950, 2011 Regular Session, does not become law, then, notwithstanding G.S. 136-89.198, the Department of Transportation shall not toll Interstate 95 prior to approval by the General Assembly.".

SECTION 72. Except where otherwise provided, this act is effective when it becomes law. G.S. 7A-41.1(b)(2) as amended in Section 63.5 of this act applies to vacancies occurring on or after the date this act becomes effective.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 6/2/12

S. B. No. 847 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.) Stam
(Sen.)

1 moves to amend the bill on page 40, line 55

2 ( ) WHICH CHANGES THE TITLE

3 by _____

4 deleting "three" and substituting "five"

5 _____

6 on that line.

7 _____

_____

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10 _____

11 _____

12 _____

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14 _____

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16 _____

17 _____

18 _____

19 _____

SIGNED Stam

ADOPTED ✓ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

#CO

EDITION No. _____

H. B. No. _____

S. B. No. 847

COMMITTEE SUBSTITUTE ✓

DATE July 2, 2012

Amendment No. _____
(to be filled in by Principal Clerk)

(Rep.) Gillespie
Sen.)

1 moves to amend the bill on page 41, lines 30-32
2 ( ) WHICH CHANGES THE TITLE
3 by removing the redlining on those lines.
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SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ATG-217 [v.3]

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

Date July 2 ,2012

Representative McComas

moves to amend the bill on page 40, line 13, by rewriting the line to read:
"occurring on or after the date this act becomes effective. G.S. 90-210.25B as enacted in Section 71 of this act applies to convictions occurring on or after January 1, 1997.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-AST-104 [v.3]

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

Date _____,2012

Representative Daughtry

moves to amend the bill on page 32, lines 33-34, by inserting the following between those lines:

"**SECTION 63.3. (a)** G.S. 7A-38.5 is amended by adding new subsections to read:

"(e) Except as provided in this subsection and subsection (f) of this section, each chief district court judge and district attorney shall refer any misdemeanor criminal action in district court that is generated by a citizen-initiated arrest warrant to the local mediation center for resolution, except for (i) any case involving domestic violence; (ii) any case in which the judge or the district attorney determine that mediation would be inappropriate; or (iii) any case being tried in a county in which mediation services are not available. The mediation center shall have 30 days to resolve each case and report back to the court with a resolution. The district attorney shall delay prosecution in order for the mediation to occur. If the case is not resolved through mediation within 30 days of referral, the court may proceed with the case as a criminal action. For purposes of this section, the term "citizen-initiated arrest warrant" means a warrant issued pursuant to G.S. 15A-304 by a magistrate or other judicial official based upon information supplied through the oath or affirmation of a private citizen.

(f) Any prosecutorial district may opt out of the mandatory mediation under subsection (e) of this section if the district attorney files a statement with the chief district court judge declaring that subsection shall not apply within the prosecutorial district."

SECTION 63.3.(b). G.S. 7A-38.3D(m) reads as rewritten:

"(m) Dismissal Fee. – Where an agreement has been reached in mediation and the case will be dismissed, the defendant shall pay to the clerk the dismissal fee of court set forth in G.S. 7A-38.7. By agreement, all or any portion of the fee may be paid by a person other than

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-AST-104 [v.3]

the defendant. ~~The judge may in the judge's discretion waive the fee for good cause shown.~~"

SECTION 63.3.(c) This section becomes effective December 1, 2012, and applies to offenses committed on or after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ASQ-163 [v.1]

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

Date _____,2012

Representative T. Moore

moves to amend the S847-CSMN-3 on page 27, line 21, through page 29, line 17, by deleting the lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ASQ-163 [v.1]

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

Date _____ ,2012

Representative T. Moore

moves to amend the S847-CSMN-3 on page 27, line 21, through page 29, line 17, by deleting the lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ATK-113 [v.6]

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

Date _____,2012

Representative _____

moves to amend the bill on page 39, lines 8-9, by adding the following new section:

"**SECTION 69.1.** Session Law 2012-121 is amended by rewriting Section 1.4.(a1) to read:

'**SECTION 1.4.(a1)** Notwithstanding subsection (c) of this section, no person holding any elected public office may be a member of the Authority.'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Asheville

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ATK-113 [v.6]

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

Date _____,2012

Representative MOFFITT

moves to amend the bill on page 39, lines 8-9, by adding the following new section:

"**SECTION 69.1.** Session Law 2012-121 is amended by rewriting Section 1.4.(a1) to read:

'**SECTION 1.4.(a1)** Notwithstanding subsection (c) of this section, no person holding any elected public office may be a member of the Authority.'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ASTf-105 [v.1]

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

Date _____,2012

Representative Hackney

moves to amend the bill on page 39, lines 18-19 by inserting the following between those lines:

"**SECTION 70.5.(a)** G.S. 132-1.12 reads as rewritten:

"**§ 132-1.12. Limited access to identifying information of minors participating in local government ~~parks and recreation~~ programs.**

(a) A public record, as defined by G.S. 132-1, does not include, as to any minor participating in a ~~park or recreation~~ program sponsored by a local government or combination of local governments, any of the following information as to that minor participant: (i) name, (ii) address, (iii) age, (iv) date of birth, (v) telephone number, (vi) the name or address of that minor participant's parent or legal guardian, (vii) e-mail address, or ~~(vii)~~ (viii) any other identifying information on an application to participate in such program or other records related to that program. Notwithstanding this subsection, the name of a minor who has received a scholarship or other local government-funded award of a financial nature from a local government is a public record.

(b) The county, municipality, and zip code of residence of each participating minor covered by subsection (a) of this section is a public record, with the information listed in subsection (a) of this section redacted.

(c) Nothing in this section makes the information listed in subsection (a) of this section confidential information."

SECTION 70.5.(b) G.S. 153A-345(a) reads as rewritten:

"(a) The board of commissioners may provide for the appointment and compensation, if any, of a board of adjustment consisting of at least five members, each to be appointed for three years. In appointing the original members of the board, or in filling vacancies caused by the expiration of the terms of existing members, the board of commissioners may appoint some members for less than three years to the end that thereafter the terms of all members do not expire at the same time. The board of commissioners may provide for the appointment and compensation, if any, of alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of a regular member, has and may exercise all the powers and duties of a regular member. ~~If the board of commissioners does not zone the entire~~

~~territorial jurisdiction of the county, each designated zoning area shall have at least one resident as a member of the board of adjustment.~~

A county may designate a planning board or the board of county commissioners to perform any or all of the duties of a board of adjustment in addition to its other duties."

SECTION 70.5.(c) This section applies to the County of Chatham only.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 847*

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

S847-ASTf-105 [v.1]

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

Date July 2 ,2012

Representative Hackney

moves to amend the bill on page 39, lines 18-19 by inserting the following between those lines:

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SECTION 70.5.(c) This section applies to the County of Chatham only.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

2012 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative T. Moore, LaRoque (Chairs) for the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

☒Committee Substitute for

SB 847 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS.

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill -1.

(FOR JOURNAL USE ONLY)

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

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

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

Committee Sergeants at Arms

NAME OF COMMITTEE Rules

DATE: 7-2-2012 **Room:** 1228

House Sgt-At Arms:

1. **Name:** Jonney Bae
2. **Name:** Jesse Adams
3. **Name:** ~~Harold Shepard~~
4. **Name:** CARL MORELLO
5. **Name:**

Senate Sgt-At Arms:

1. **Name:**
2. **Name:**
3. **Name:**
4. **Name:**
5. **Name:**

VISITOR REGISTRATION SHEET

Rules Rm 1228 — 7/2/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Kance	DOL

VISITOR REGISTRATION SHEET

Rules Rm 122P 7/2/12

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	NBS
Andy Ellen	NCPA
Susan Camillari	DOA
Mary Freeman	NCAE
Christy Ayers	DOT
David Crawford	AIA NC
Betsy Bailey	DENR
Ben Schaumberg	NCSBA
Jake Cashion	NCChamber
Mia Bailey	Electricities
Allison Walker	Nelson Mullins

VISITOR REGISTRATION SHEET

Rules — 7-2-2012

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Phillips	TWC
Steve Brewer	CTL
Kam Mehal	Bench
Nancy Thompson	weyerhaeuser
Deanna Davis	Gov Office
Tom Cecil	NMFS
Kari Barsness	DENR
Caron Taylor	NCOAT
Tony Adams	NCOAA
Charlie Penrose	UNC GA
Ken Pugh	Adams
John Tucker	NVA

VISITOR REGISTRATION SHEET

Rules Rm 1227 — Name of Committee

7/2/12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Peg Doran	Conf. of DAs
Rick Zechini	Progress Energy
John Roberts	NCMA
Anne Murtha	NC DCR
Melanie Soler	DOR
Ken Wyatt	BCBSNC
Elizabeth Biser	Brooks Pierce

VISITOR REGISTRATION SHEET

Rules — 7-2-2012

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Maeve Hadden	GSK
JOE LANIER	NELSON MULLINS
Whitney Christensen	NCRLA
Sarah Hardin	CTL
Preston Howard	MCC
Scott Mooney	The Insider
Colleen Kachaneck	Kachaneck Law Group
BNOC27	WM
Rob Lamme	RLA
John Merritt	MWC LLC
Sarah Wolfe	MWC LLC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Betsy Vetter	AHA
[signature]	NWC
Henry Jones	Jordan Price
Wilson [illegible]	[illegible]
Annaliese Rudolph	BKNC
Paula Hopper	Childress Klein
Gary [illegible]	NC Chamber
Mitch Leonard	SEANC
Rebecca Tuttle	NCACC
Kevin Leonard	NCACC
Mildred Spearman	NCAOC