

The General Assembly

The 2010 General Assembly convened on May 12 and adjourned on July 10, making it the shortest “short session” since 1994¹. The session was also remarkable in that it saw the passage of the budget before the start of the new fiscal year for the first time since 2003. This chapter provides an overview of the 2010 session, including the organization of each house and major legislation enacted.

Overview of the 2010 Regular Session

Article II, Section 11, of the North Carolina Constitution provides for a biennial session of the General Assembly that convenes in every odd-numbered year. Until 1973 the General Assembly held a single regular session, convening in each odd-numbered year, meeting several months, and then adjourning sine die. Prior to 1974, legislative sessions in even-numbered years of the biennium were extra sessions and they were rare and of short duration.

Beginning with the 1973-74 biennium, the General Assembly began holding annual sessions. The General Assembly convenes in January of odd-numbered years. In these “long sessions,” which generally run through midsummer, a biennial budget is adopted and any legislative business may be considered. In even-numbered years the General Assembly convenes for a “short session,” which generally runs from May through July or August. In the short session the General Assembly considers budget adjustments for the second year of the biennium and generally deals with bills that have passed one house and a limited number of additional noncontroversial matters. Legally the short session is a continuation of the long session.

The 2010 short session convened on May 12 and adjourned July 10.

The adjournment resolution, Res. 2009-33 (S 1109), provided that only the following could be considered during the 2010 short session:

- Bills introduced by May 25, 2010, directly affecting the budget.
- Bills amending the North Carolina Constitution.
- Bills introduced in 2009 that passed third reading by May 14, 2009, in the house in which the bill was introduced, and that were not unfavorably disposed of by the other house.
- Bills and resolutions introduced by May 19, 2010, implementing the recommendations of various commissions and committees.
- Non-controversial local bills that are introduced by May 26, 2010, and are accompanied by a certification that no public hearing will be required and that the bill is approved for introduction by each member of the relevant house whose district is affected by the bill.

¹ The regular session of the 1996 short session was shorter than both the 2010 and 1994 sessions, however, a budget was not passed during the regular session; legislators reconvened in an extra session shortly following adjournment that lasted an additional 20 days. Due to this extra time needed to complete the budget, I have disregarded the 1996 session in determining the shortest previous short session.

- Bills making a selection, an appointment, or a confirmation of members of state boards and commissions.
- Bills concerning matters authorized by joint resolution passed by a two-thirds majority in each house, and joint resolutions authorizing consideration of these bills.
- Bills introduced by May 26, 2010, affecting state or local pension or retirement systems.
- Resolutions authorized under Senate Rule 40(b) or House Rule 31, primarily relating to deceased persons.
- Adjournment resolution.
- Bills disapproving administrative rules.

The adjournment resolution also authorized the Speaker of the House or the President Pro Tempore of the Senate to allow committees or subcommittees to meet when the General Assembly was not in session to review matters related to the 2009-11 budget, prepare reports, and consider other matters as appropriate, other than resolutions, bill, or proposed committee substitutes that originated in the other house. Conference committees were also allowed to meet with approval from the Speaker or President Pro Tem.

Statistical Comparison

A total of 3,547 bills were filed during the 2009-10 biennium, representing a decline from the number of bills filed in the record breaking 2005-06 and 2007-08 legislative bienniums when just under 5,000 bills were filed. The 2010 session saw the introduction of 780 bills. While this number is significantly less than the number of bills filed in both the 2006 and 2008 sessions, the number of bills that were enacted is similar to the number of bills enacted in 2006 and 2008. Only two fewer bills were enacted in 2010 than in 2008, despite the fact that the 2010 session was a week shorter; the fact that so many bills were enacted combined with the passing the budget before the end of the fiscal year illustrates the fast pace of the 2010 session.

Table 1-1 compares the 2010 session with other even-year sessions of the past ten years.

Table 1-1. Statistical Comparisons of Recent Even-Year Sessions

| | 2000 | 2002 | 2004 | 2006 | 2008 | 2010 |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Date convened | May 8 | May 28 | May 10 | May 9 | May 13 | May 12 |
| Date adjourned | July 13 | Oct. 4 | July 18 | July 28 | July 18 | July 10 |
| Senate legislative days | 40 | 69 | 44 | 48 | 40 | 35 |
| House legislative days | 40 | 77 | 44 | 47 | 40 | 36 |
| Senate bills introduced | 383 | 368 | 415 | 881 | 597 | 354 |
| House bills introduced | 377 | 336 | 466 | 1,093 | 733 | 426 |
| Total bills introduced | 760 | 706 | 881 | 1,974 | 1,330 | 780 |
| Session Laws Enacted | 191 | 190 | 203 | 264 | 229 | 227 |
| Vetoes | 0 | 1 | 1 | 1 | 1 | 0 |

Major Legislation Enacted in 2010

The 2010 General Assembly enacted a number of significant pieces of legislation, a few of which are listed below.

Alcoholic Beverage Control Changes

Due in part to the publicity surrounding conduct by local ABC systems, a priority for legislators during the 2010 session was reforming the state's Alcoholic Beverage Control system. S.L. 2010-122 (H 1717), Modernization of the State ABC System, makes several changes to the

state system including expanding financial requirements that must be met by local boards, placing limitations on local ABC board member and manager compensation, requiring the adoption of a code of ethics by each local ABC board, and requiring local ABC board members to meet performance standards adopted by the ABC Commission. For more information on this act, please see the [Alcoholic Beverage Control](#) page of the 2010 Legislative Summaries website.

Citizens United

In response to the US Supreme Court's decision in *Citizens United v. Federal Elections Commission*, 130 S. Ct. 876 (2010), legislators passed S.L. 2010-170 (H 748), Citizens United Response. S.L. 2010-170 addresses comparable state statutes that prohibit corporate funding of electioneering communications. The act repeals the ban on corporate independent expenditures, adds reporting requirements for independent expenditures for political advertisements, and requires disclosures on electioneering television and radio advertisements.

DNA Upon Arrest

S.L. 2010-94 (H 1403), Collect DNA Sample on Arrest, was one of the most controversial bills before legislators this session. The act requires collection of a DNA sample from an individual upon arrest for specified offenses. The act also requires that the DNA sample be expunged if the individual is acquitted of the offense. For more information on this act, please see the [Criminal Law and Procedure](#) page of the 2010 Legislative Summaries website.

Economic Development Incentives

During the 2010 session, the General Assembly passed several bill concerning economic development incentives. S.L. 2010-147 (H 1973), Various Economic Incentives extends and expands several existing economic incentives, including extending the sunset of the Article 3J growing businesses tax credits until 2013 and increasing the film industry incentives. Several new incentives and tax breaks are also contained in S.L. 2010-147 and S.L. 2010-91 (S 1171), Keeping NC Competitive Act, including incentives for eco-parks, sales tax exemptions for wood chippers and sales tax refunds for paper from pulp manufacturers. For more information on these acts, see the [Economic and Community Development](#) page of the 2010 Legislative Summaries website.

Electronic Sweepstakes Ban

One of the issues before legislators that saw the most attention was S.L. 2010-103 (H 80), Ban Electronic Sweepstakes. The act is a continuation of the General Assembly's efforts to ban video gambling. Following legislation banning video poker in 2006, the state has seen an increase in "sweepstakes" parlors, allowing patrons to buy internet time, which includes sweepstakes entries; patrons then use the internet time to see if they won. Legislators banned these games in 2008, leading to a lawsuit which resulted in the law being put on hold. Bills were introduced in 2010 that would have allowed the games to continue subject to state oversight and taxation; however, legislators ultimately decided to ban the games entirely. S.L. 2010-103 aims to ban these sweepstakes parlors while avoiding unintended bans on corporate games and sweepstakes by prohibiting the "entertaining display" of a sweepstakes prize. Further information on this act can be found on the [Local Taxes and Tax Collection](#) page and the [Criminal Law and Procedure](#) page of the 2010 Legislative Summaries website.

Ethics and Lobbying Legislation

In the months leading up the start of the 2010 session, both Governor Perdue and legislators made it clear that ethics legislation would be a priority for the 2010 session. In the final hours of the session, legislators gave their approval to S.L. 2010-169 (H 961), Gov't Ethics and Campaign

Reform Act of 2010. That act makes various changes to the State Government Ethics Act and lobbying laws. The act also expands on the information in public employee personnel records that are considered public record. The act further addresses public records by establishing mediation procedures for public record requests disputes and by amending provisions concerning attorneys' fees in public record disputes. A further discussion of the ethics/lobbying portions of the act can be found on the [Ethics and Lobbying](#) page of the 2010 Legislative Summaries website; more information on the personnel disclosure provisions can be found on the [Public Employment](#) page, while information on the public records mediation and attorneys' fees provisions can be found on the [Local Government and Local Finance](#) page.

Offshore Oil Drilling Damages

In the aftermath of the devastating BP oil spill in the Gulf of Mexico, legislator worked to ensure that North Carolina residents would be protected should the oil reach the state's shoreline, or in the event of a future discharge of oil. S.L. 2010-179 (S836), Oil Spill Liability, Response, & Preparedness expands on the information that must be provided for the review of an offshore fossil fuel facility and provides that the party responsible for an oil spill into coastal waters or offshore waters causing damage to the state's territorial jurisdiction is held strictly liable with no cap on damages. For information on this act and other environmental legislation, please see the [Environment](#) page of the 2010 Legislative Summaries website.

Studies Act of 2010

A studies bill was enacted during the 2010 session. S.L. 2010-152 (S 900) authorizes the Legislative Research Commission (LRC) and existing committees and commissions to study numerous issues, and establishes several new study commissions. The 17 issues that may be examined by the LRC include: transfer of annual and sick leave from a city or county; televising House and Senate sessions; ownerless cats and dogs and commercial dog breeding; and public and private telecommunications issues.

The act also authorizes the following existing commissions to study specified topics, including the following: Joint Legislative Health Care Oversight Committee to study and monitor the impact of revised requirements for personal care services; Joint Legislative Transportation Oversight Committee to study the scope of the power of the Department of Transportation to enter into debt agreements; Joint Legislative Education Oversight Committee to study maximum age for enrollment in public schools; Environmental Review Commission to study costs and benefits of improving water quality in water resources shared by local governments; Revenue Laws Study Committee to study local cable service franchise agreements; Joint Legislative Utility Review Committee to study gas leases in the central shale belt; Joint Legislative Program Evaluation Oversight Committee to study General Statute Chapter 150B Contested Cases; Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee to study unsecured bonds; Joint Legislative Administrative Procedure Oversight Committee to study the impact of exempting the Wildlife Resources Commission and Marine Fisheries Commission from the legislative disapproval process; Executive Committee for Highway Safety in the Department of Transportation to study recommendations for additional legislation to address the causes of teen driving fatalities; Department of Health and Human Services, Division of Medical Assistance to study the feasibility of requiring Community Care of North Carolina to implement body mass index screening for children at risk of becoming obese and who are receiving Medicaid or participating in the North Carolina Health Choice for Children Program; and Governor's Logistics Task Force to study combining the operations and governing authority of Global Transpark authority, NC ports authority, and NC railroad and establishing Class I rail service to the Global Transpark and the state ports. The act requires the following studies: State Board of Education is required to study issues related to sports injuries at middle school and high school levels; Department of Cultural Resources is required to study the feasibility of designating the Endor Iron Furnace as a state historic site; and the Division of Marine Fisheries of the Department of

Environment and Natural Resources is required to study the fishery management plan development process.

The act authorizes or establishes the following committees, commissions, and task forces: a Blue Ribbon Task Force to study the impact of increasing the compulsory public school attendance age from 16 to 17 or 18; a Task Force to study the needs of young children with mental health problems and their families; a Task Force to be appointed by the Secretary of Health and Human Services to conduct a study of alternatives to the hospitalization of frequent users of psychiatric hospitals in the state; Joint Legislative Study Committee on the Consolidation of Early Childhood Education and Care; Agriscience and Biotechnology Regional School Planning Commission; Wood and Crop Biomass Strategic Working Group; Legislative Study Commission on Public-Private Partnerships; Legislative Task Force on Prescription Drug Abuse; Legislative Commission on Diversity in the Public Schools; Joint Select Committee to Study the Adoption of Comparative Negligence and Abrogation of Joint and Several Liability; the Railroads Study Commission; and the Study Commission on the Expansion of the Life Sciences Industry and Related Job Creation. The act also reestablishes the Legislative Task Force on Childhood Obesity.

Susie's Law

S.L. 2010-16 (S 254), Susie's Law, is named for a Greensboro dog that was severely beaten and burned. The act increases the criminal penalties for those that maliciously abuse, torture, or kill an animal. Susie made a personal visit to the Senate Judiciary I committee to bolster support for the bill and became the first dog to sign legislation when she placed her paw print on the enacted bill along side Governor Perdue's signature. For more information on this act, please see the [Criminal Law and Procedure](#) page of the 2010 Legislative Summaries website.

Use of 911 Funds

S.L. 2010-158 (H 1691) expands the authorized uses of 911 funds. The act also amends the membership of the 911 Board (Board), authorizes the Board to establish operating standards for public safety answering points (PSAPs) that receive 911 Fund (Fund) distributions, allows the Board to increase the percentage of funds it uses for administrative expenses, establishes guidelines for a funding formula to be developed by the Board for determining the monthly distributions to PSAPs, and sets other standards for PSAP distributions. S.L. 2010-158 requires PSAPs to comply with operating standards in order to receive distributions, effective July 1, 2011. The act also contains provisions concerning statewide projects, consolidation grants, and use of fund balance. For more information on this act, please see the [Local Government and Local Finance](#) page of the 2010 Legislative Summaries website.

The Governor's Veto

Governor Perdue did not exercise her veto power this session. This is the first time since 2001 that the Governor has not vetoed a bill.

As the time period for signing bills came to an end, it appeared that Governor Perdue was going to veto H 1292 (S.L. 2010-196), Univ. Energy Savings/LEA Operational Leases. The act allows the University of North Carolina system to keep money realized through energy conservation measures instead of returning the money to the State. After expressing her concern that language in the bill prohibiting her from reducing university funds to make up for the money saved through the energy measures restricts her constitutional power over the budget, Governor Perdue let the bill become law without signing it. She has requested that legislators revisit the bill during the 2011 session and remove the language she is concerned with.

The Legislative Institution

Membership Changes

Following the 2009 legislative session, the Senate lost one of its most powerful members when Majority Leader and Rules Committee Chairman, Senator Tony Rand, resigned effective December 31, 2009. Senator Rand ended his 22 year Senate career to act as Chairman of the State's Post-Release Supervision and Parole Commission. Senator Rand's vacant seat was filled by the appointment of Representative Margaret Dickson. Senator Weinstein also resigned in the fall of 2009 in order to run the Governor's Highway Safety Program. Senator Weinstein's vacant seat was filled by the appointment of Michael Walters.

The House of Representatives saw the resignation of three members during the interim. In the fall of 2009 Representative Ty Harrell resigned as questions arose concerning campaign expenditures. His seat was filled by the appointment of Chris Heagarty. When Representative Margaret Dickson resigned to fill Senator Rand's vacant seat, Diane Parfitt was appointed to replace her. A month prior to the start of the 2010 session, Representative Lucy Allen resigned in order to take a position on the Utilities Commission. Her seat was filled by appointment of John May. Shortly after the adjournment of the 2010 session, Representative Bruce Goforth announced his retirement, effective July 31, 2010. At this time, his successor has not been named.

The 2011 Session

The next regular session of the General Assembly will convene at noon on Wednesday, January 26, 2011. The General Assembly membership will be made up of those elected in the November 2010 elections.

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