

The General Assembly

The 2009 General Assembly convened on January 28 and adjourned on August 11. The session presented many financial challenges as legislators worked to fix the struggling state health plan and to approve a budget in a dire economic climate. This chapter provides an overview of the 2009 session, including the organization of each house, major legislation enacted, vetoed legislation and unfinished business.

Overview

The 2009 session ended the recent string of record breaking bill filings. The 2,767 bills introduced in 2009 is a 24% decrease from the 3,645 introduced in the 2007 session. Although fewer bills were filed than in previous long sessions, legislators passed bills at a record pace. The session resulted in a record 22.3% of bills enacted.

The House of Representatives

The November 2008 election resulted in the election of sixty-eight Democrats and fifty-two Republicans to the House of Representatives, maintaining the majority held by the Democrats during the 2007 General Assembly. Joe Hackney was again elected Speaker.

The demographics of the 2009 House can be broken down as follows¹:

- Thirty-eight women, one more than in 2007
- Eighty-two men
- Twenty-one African Americans, one more than in 2007
- One Native American
- One Hispanic

The House membership underwent many changes as several representatives stepped down over the course of 2009. Representative Linda Coleman resigned in January to take a position as director of the Office of State Personnel and was replaced by Darren G. Jackson. Representative Dan Blue resigned to take the Senate seat left vacant by the passing of Senator Vernon Malone, and was replaced in the House by Rosa U. Gill. Representatives Cary D. Allred resigned in June following an investigation into floor conduct that resulted in a report that included statements alleging that Allred had inappropriate contact with a teenage page and smelled of alcohol.

¹ These statistics reflect House membership as of the end of the 2009 session and take into account the resignation or death of any members and the appointment of replacement members.

Following his resignation, Allred was replaced by Dan W. Ingle. Representative Bonner Stiller, who resigned in June, was replaced by Frank Iler. Following the adjournment of the 2009 session, Representative Ty Harrell resigned in September amidst questions into expenses charged to his campaign account. Harrell will be replaced by Chris Heagarty.

Table 1-1 lists the 2009 House officers, which remains relatively unchanged from the 2007 session.

Table 1-1. Officers of the 2009 House of Representatives

Joe Hackney, Chatham, Moore, and Orange counties, Speaker
William L. Wainwright, Craven and Lenoir counties, Speaker Pro Tempore
Hugh Holliman, Davidson County, Democratic Leader
Paul Stam, Wake County, Republican Leader
Larry M. Bell, Sampson and Wayne counties, Jean Farmer-Butterfield, Edgecombe and Wilson counties, Bruce Goforth, Buncombe County, Deborah K. Ross, Wake County, and Larry D. Hall, Durham County, Democratic Whips
Thom Tillis, Mecklenburg County, Republican Whip
Denise Weeks, Principal Clerk
Robert L. Samuels, Sergeant-at-Arms

The Senate

The November 2008 election resulted in only a slight decrease in the majority held by the Democrats in the Senate. The 2009 Senate was made up of thirty Democrats, one less than in 2007, and twenty Republicans. The demographics of the 2009 Senate can be broken down as follows²:

- Six women, one less than in 2007
- Forty-four men
- Nine African Americans, one more than in 2007

The 2009 session saw the death of Senator Vernon Malone, who had served four terms as a Senator. Senator Malone was replaced by Representative Dan Blue. Following the adjournment of the 2009 session, Senator David F. Weinstein resigned in September in order to take a position as the director of Governor Perdue's Highway Safety Program; Weinstein will be replaced by Michael Walters.

In November, Senator Tony Rand announced his resignation and decision to take a position as the chairman of the State Parole Commission. Senator Martin Nesbitt has been elected by the Senate Democrats to replace Rand as Majority Leader. The 2009 Senate officers and leadership are shown in Table 1-2.

Table 1-2. 2009 Senate Officers and Leadership

Walter Dalton, Lieutenant Governor, President
Marc Basnight, Dare, Beaufort, Camden, Currituck, Hyde, Pasquotank, Tyrell, and Washington counties, President Pro Tempore
Charlie Smith Dannelly, Mecklenburg County, Deputy President Pro Tempore
Tony Rand, Bladen and Cumberland counties, Majority Leader
Phil Berger, Guilford and Rockingham counties, Minority Leader
Harry Brown, Jones and Onslow counties, Peter S. Brunstetter, Forsyth County and Neal Hunt, Wake County, Deputy Minority Leaders
Katie G. Dorsett, Guilford County, Majority Whip
Jerry W. Tillman, Montgomery and Randolph counties, Minority Whip

² These statistics reflect Senate membership as of the end of the 2009 session and take into account the resignation or death of any members and the appointment of replacement members.

R. C. Soles Jr., Brunswick, Columbus, and Pender counties, Chair, Democratic Caucus
Charles W. Albertson, Duplin, Lenoir, and Sampson counties, Secretary, Democratic Caucus
W. Edward (Eddie) Goodall, Mecklenburg and Union counties, Joint Republican Caucus Leader
Janet Pruitt, Principal Clerk
Cecil Goins, Sergeant-at-Arms

Statistical Comparison

Table 1-3 compares the 2009 session with other odd-year sessions of the past ten years. While the 2,767 bills introduced is lower than the 2007 total of 3,645 and the 2003 total of 2,368, more measures were passed in 2009 than in any other long session in the past ten years. In 2009, 22.3 percent of introduced bills passed compared to only 17.2 percent of bills introduced in 2007.

Table 1-3. Statistical Comparisons of Recent Odd-Year Sessions

	1999	2001	2003	2005	2007 ³	2009
Date convened	Jan. 27	Jan. 24	Jan. 29	Jan. 26	Jan. 24	Jan. 28
Date adjourned	Jul. 21	Dec. 6	Jul. 20	Sept. 2	Aug. 2	Aug. 11
Senate legislative days	101	173	102	126	111	112
House legislative days	103	179	102	125	113	114
Senate bills introduced	1,175	1,109	1,028	1,184	1,573	1,109
House bills introduced	1,489	1,478	1,340	1,800	2,072	1,658
Total bills introduced	2,664	2,587	2,368	2,984	3,645	2,767
Session Laws Enacted	462	519	433	463	551	577
Vetoed	0	0	2	2	1	1
Joint resolutions ratified	22	36	32	58	68	33
Simple resolutions adopted	24	10	19	26	7	8
Total measures passed	508	565	484	547	626	618
% measures passed	19.0%	21.8%	20.4%	18.3%	17.2%	22.3%

Major Legislation Enacted in 2009

The 2009 General Assembly enacted a number of significant pieces of legislation, a few of which are listed below. More information on many of these bills can be found by visiting the School of Government's new Legislative Summaries website at: www.sog.unc.edu/dailybulletin/summaries09.

Evidence Preservation

S.L. 2009-203 (H 1190) amends various statutes concerning the preservation of and a defendant's access to DNA and biological evidence. Changes include requiring that a defendant be given pretrial access to a complete inventory of all physical evidence collected in connection with the investigation, requiring the State Bureau of Investigations to develop guidelines that meet the requirements for retention and preservation of biological evidence, and amending the duration for which biological evidence must be preserved. The act also makes it a Class I felony (if the evidence is for noncapital crime) or a Class H felony (if the evidence is for first-degree murder) to destroy, alter, conceal, or tamper with evidence that is required to be preserved with the intent to impair the integrity of that evidence, prevent it from being subjected to DNA testing, or prevent

³ These numbers do not reflect activities occurring during the 2007 reconvened session or 2007 extra session.

production or use of that evidence in a proceeding. The act also establishes the 17 member Joint Select Study Committee on the Preservation of Biological Evidence to review matters related to the preservation of DNA and biological evidence. The Committee must report to the General Assembly by April 1, 2010, at which time the Committee terminates. For more information on this act, please see the documents under the Criminal Law link on the Legislative Summaries 2009 webpage.

Extension of Development Permits

S.L. 2009-406 (S 831) suspends the running of time periods for development approvals that were current and valid at any point from January 1, 2008 to December 31, 2010. The law specifies which state and local development approvals are extended, including many state environment permits, and local approval of plats under a land subdivision ordinance, site specific or phased development plans under the statutory zoning vested rights provisions, and building permits. The law does not impact the state or local agency's ability to extend a permit or to revoke or modify a permit if that is otherwise allowed by law. For more information on this act, please see the documents under the Community Planning, Land Development, and Related Topics link on the Legislative Summaries 2009 webpage.

Intermodal Transportation

Congestion Relief/Intermodal Transport Fund, S.L. 2009-527 (H 148), which was also examined during the 2007 session, was passed this session. The act establishes the Congestion Relief and Intermodal 21st Century Transportation Fund to provide grants to local government and transportation authorities for public transportation purposes. State agencies and railroads are also eligible for grants for specified railroad related purposes. Additionally, grants may also be awarded for the introduction of commuter rail service.

The act also authorizes counties to levy sales taxes to support public transportation. The act authorizes counties to adopt a vehicle registration tax, up to \$7 per vehicle, for the operation of a public transportation system, as long as either the county or at least one municipality in the county operates a public transportation system. The act also authorizes an increase in county vehicle registration taxes from \$5 to a maximum of \$7, with a further increase to \$8 in 2010, for those counties within the jurisdiction of the Triangle Transit Authority and the Piedmont Authority for Regional Transportation. For more information on this act, please see the documents under the Community Planning, Land Development, and Related Topics link on the Legislative Summaries 2009 webpage.

Juvenile Code Revisions

S.L. 2009-311 (H 1449) makes substantial changes to the Juvenile Code, primarily in relation to abuse, neglect, dependency, and termination of parental rights proceedings. Areas impacted include confidentiality, discovery and information sharing, venue and inter-county coordination and review, permanency planning, and post-termination of parental rights hearings. Issues affected in termination of parental rights proceedings include representation by counsel and a pre-trial hearing requirement. For more information on this act, please see the documents under the Children and Juvenile Law link on the Legislative Summaries 2009 webpage.

Local Government Ethics

S.L. 2009-403 (H 1452) requires local government governing boards to adopt codes of ethics and requires board members to receive ethics training. The act requires cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-counties to adopt a resolution or policy containing a code of ethics by January 1, 2011, to guide the governing

board members in the performance of their official duties. The act also requires at least two hours of ethics education within 12 months after initial election or appointment to office and again within 12 months after each subsequent election or appointment to office. For more information on this act, please see the documents under the Ethics and Lobbying link on the Legislative Summaries 2009 webpage.

Probation Reform

In reaction to the murders of UNC Student Body President Eve Carson and Duke graduate student Abhijit Mahato, legislators enacted a probation reform act. S.L. 2009-372 (S 920) makes many changes, including allowing probation officers access to certain probationers' juvenile records for offenses that would be a felony if committed by an adult. The act also amends the conditions of supervised probation by adding as default conditions warrantless searches and a prohibition on using, possessing, or controlling illegal drugs or controlled substances; associating with known or previously convicted users, possessors, or sellers, or being present at any place where drugs are sold, kept, or used. The act makes several other changes including establishing new conditions of probation for probationers subject to intermediate punishment, and amending community service requirements. For more information on this act, please see the documents under the Sentencing, Corrections, Prisons, and Jails link on the Legislative Summaries 2009 webpage.

Racial Justice Act

S.L. 2009-464 (S 461) enacts new Article 101 in G.S. Chapter 15A. The new article prohibits a person from being subject to or given a death sentence or being executed under any judgment that was sought or obtained on the basis of race. A finding that race was the basis of the decision to seek or impose a death sentence may be established if the court finds that race was a significant factor in the decision to seek or impose the sentence of death in the county, the prosecutorial district, the judicial division, or the state when the death sentence was sought or imposed. A defendant's claim must be raised at the pretrial conference or in postconviction proceedings. If a court finds that race was a significant factor, the court must order that a death sentence not be sought, or that the death sentence imposed by the judgment be vacated and the defendant resentenced to life imprisonment without the possibility of parole. The act became effective August 11, 2009, but it applies retroactively. For more information on this act, please see the documents under the Criminal Law link on the Legislative Summaries 2009 webpage.

School Bullying

School bullying, a controversial topic during the 2007-08 legislative biennium, was again a hot topic in 2009. The School Violence Prevention Act, S.L. 2009-212 (S 526), was passed with a final vote in the Senate of 26-22 and a final vote in the House of 58-57. The act requires local school districts to adopt a policy, containing specified components, by the end of the year prohibiting bullying or harassing behavior. A controversial element of the bill was what would fall under bullying or harassing behavior. The act provides that bullying or harassing behavior includes "acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics." The act prohibits students or school employee from being subjected to bullying or harassing behavior by school employees or students and prohibits retaliation against a victim, witness, or a person with reliable information about bullying or harassing behavior. The act also requires school employees and students or volunteers who witness or have information about bullying or harassing behavior to report the behavior.

Smoking Ban in Public Places

This year, the General Assembly continued the recent trend of limiting smoking. In 2007, smoking was banned in state government buildings; in 2008 this ban was extended to smoking in state vehicles. S.L. 2009-27 (H 2) takes the smoking ban further by prohibiting smoking in public places. Beginning January 2, 2010, smoking is banned in restaurants, bars, and lodging establishments that prepare and serve food and drinks, with exceptions for smoking rooms in lodging establishments, cigar bars, and private clubs. The act also expands local government authority to regulate smoking on local government grounds and in public places. For more information on this act, including the act's scope, implementation and enforcement, please see the documents found under the Health link on the Legislative Summaries 2009 website.

State Health Plan

One of the most pressing issues awaiting legislators at the beginning of the 2009 session was stabilizing the state's Health Plan for Teachers and State Employees' (Plan). According to projections, the Plan needed \$1.2 billion in the next two years in order to avoid collapsing.⁴

S.L. 2009-16 (S 287) seeks to fill the gap by appropriating funds and in part by cutting benefits and increasing members' out of pocket costs. The act appropriates (1) \$250 million from the Savings Reserve Account for the 2008-09 fiscal year to address the shortfall of funds in the Plan; (2) \$132,214,752 for the 2009-10 fiscal year and \$276,179,709 for the 2010-11 fiscal year from the General Fund to cover health care and administrative costs in the 2009-11 biennium; and (3) \$6,170,022 for the 2009-10 fiscal year and \$12,888,386 for the 2010-11 fiscal year from the Highway Fund to the Reserve to cover health care and administrative costs in the 2009-11 biennium. The act also eliminates the 90/10 plan option, increases prescription co-pays, drops coverage of eye exams, increases deductibles, coinsurance, and co-pays, and increases premiums by 8.9% for 2009-10 and again by 8.9% for 2010-11. The act also makes numerous other changes.

One of the most controversial elements of the act was the creation of the Comprehensive Wellness Initiative. The initiative places member into the Basic Plan level if they smoke, effective July 1, 2010, or if they do not meet weight standards, effective July 1, 2011. Exceptions are in the act for both categories of participants.

The act establishes a 15 member Blue Ribbon Task Force on the State Health Plan for Teachers and State Employees (Task Force) to review governance of the Plan and to make recommendations that will ensure ongoing financial stability, as well as study other specified issues. The Task Force is required to report on its findings and recommendations to the General Assembly, the Governor, and the Committee on Hospital and Medical Benefits upon the convening of each session of the General Assembly.

Sex Education

One of the most debated bills of the 2009 session was the Healthy Youth Act, S.L. 2009-213 (H 88), concerning sex education in middle schools. Initial versions of the act provided for two tracks of instruction, "abstinence only until marriage" and a more inclusive "abstinence-based comprehensive sexuality health education." After six editions of the bill, legislators agreed on a program only offering one track of instruction. The act replaces the abstinence until marriage curriculum with a reproductive health and safety education curriculum that includes existing areas of instruction as well as instruction on sexually transmitted disease, effectiveness of contraceptive methods, and awareness of sexual assault, sexual abuse and risk reduction.

⁴See, Benjamin Niolet, [Budget Hole Deepens for State Health Plan](#), Raleigh News & Observer, February 5, 2009.

Studies

For the first time in several sessions, an omnibus studies bill was passed, authorizing enumerated studies to be conducted by the Legislative Research Commission, a standing body of the General Assembly, and for specially appointed study commissions to study other issues. S.L. 2009-574 (H 945) authorizes the Legislative Research Commission to study 69 different topics including the standards applied in disputed child custody cases, issues related to juvenile justice administration, the reintegration of people with criminal records into society, income requirements for eligibility to receive Medicaid and Community Alternative Program benefits, and reviewing all state-funded regional economic development programs. The act also authorizes specified committees to study issues including establishing a permitting system for the siting of wind energy facilities, compensation of elected state officials, the feasibility of a school based flu vaccination program, reform of the state's approach to community corrections, and the feasibility of tolling all interstate highways entering the state. The act establishes the following: (1) Legislative Study Commission on Water and Wastewater Infrastructure; (2) Commission to Study the Governance and the Adequacy of the Investment Authority of Various State-Owned Funds for the Purposes of Enhancing the Return on Investments; (3) Joint Legislative Study Commission on the Modernization of North Carolina Banking Laws and the Consumer Finance Act; (4) Legislative Task Force on Childhood Obesity; and (5) Study Commission on North Carolina's Energy Future.

Texting While Driving

S.L. 2009-135 (H 9) makes it illegal to drive while using a cell phone to send or read email and text messages. The ban does not apply if the vehicle is parked or stopped and the act includes exceptions for law enforcement officers, fire department members, or ambulance drivers while they are performing official duties. Violations are punishable by a fine of \$100 and court costs; however, violations committed while driving a school bus is a Class 2 misdemeanor, punishable by a fine of not less than \$100. The act also requires the Joint Legislative Transportation Oversight Committee to study the leading causes of driver distraction, the risks posed, and methods to manage those distractions and promote highway safety and report its findings and recommendations along with any proposed legislation to the General Assembly by April 15, 2010. For more information on this act, please see the documents under the Motor Vehicles link on the Legislative Summaries 2009 webpage.

Unfinished Business

At the end of the 2009 session there were several high profile issues that were not resolved by adjournment.

Annexation

Annexation proved once again to be a controversial issue at the General Assembly. House Bill 524 passed the House but was not taken up by the Senate before session ended. Among other things, the proposed legislation would have allowed a referendum on involuntary annexations, upon a petition from 15% of the registered voters in the combined area of the annexing city and the proposed annexation area; increased the role of the Local Government Commission; prohibited involuntary annexation by a city that does not provide at least two meaningful services to the existing city; modified annexation standards; and changed procedural requirements. Annexation is an issue that has been before legislators in past few sessions and will likely appear in future sessions. For more information about House Bill 524, please see the documents under the Community Planning, Land Development, and Related Topics link on the Legislative Summaries 2009 webpage.

Ethics Reform

Three ethics related bills remain eligible for consideration in the 2010 session. House Bill 944, House Bill 961, and House Bill 1136 all passed through the House and were referred in the Senate to the Judiciary I Committee.

House Bill 944, Disclosure by Appointees, requires political contributions made by and fundraising done by state government appointees to be reported to the State Board of Elections. Specifically, appointees to the Governor's cabinet, Supreme Court, Court of Appeals, superior court, district court, and boards or commissions exercising executive powers must report contributions made to a relevant political campaign, defined as a candidate for the office with authority to make the appointment or a political committee controlled by a candidate for the office with authority to make the appointment during the previous two years by the appointee or members of the appointee's immediate family. An appointee to the Governor's cabinet, Supreme Court, Court of Appeals, superior court, district court, or to one of 14 specified state boards and commissions must also report contributions resulting from the appointees' fundraising during the previous two years for a relevant political campaign. In each instance, the report must be made within 5 days from when the appointee is notified of the appointment and the report does not have to be made if the total contributions equal less than \$1,000 over the two year period. Violations are a Class 2 misdemeanor.

H 961, Pay to Play Regulation, prohibits entities affiliated with a vendor that has entered into a contract for supplies, materials, equipment, other tangible personal property, or services in excess of \$25,000 with any of the principal offices or departments listed in G.S. 143A-11 and subject to the provisions of GS Chapter 143 Article 3 (Purchases and Contracts) from making a contribution to a relevant political campaign during the term of the contract. Likewise, relevant political campaigns are prohibited from knowingly accepting such a contribution. The act excludes contributions by all entities affiliated with the vendor to the relevant political campaign during the term of the contract that do not exceed \$1,000. Violations constitute a Class 2 misdemeanor.

House Bill 1136, Executive Branch Revolving Door, prohibits liaison personnel from registering as a lobbyist within six months after separation from employment as a liaison personnel. The bill also prohibits a public servant or former public servant, any president, vice-president, chancellor, vice-chancellor of UNC, or any president, chief financial officer, or chief administrative officer of the State Board of Community Colleges or each of the community colleges from registering as a lobbyist within six months after separation from employment with the state.

Dog Breeders

One of the session's most controversial bills was Senate Bill 460, Commercial Dog Breeder Regulation. The bill passed the Senate in the last days of session and ended up in the House Finance Committee. The bill, in its current form (5th edition), would require commercial breeders, defined as a person owning or maintaining 15 or more intact female dogs of breeding age and 30 or more puppies for the purpose of sale, to register with the Department of Agriculture. Acting as a commercial breeder without registering first would constitute a Class 2 misdemeanor, with subsequent offenses a Class 1 misdemeanor. The act would also require the Board of Agriculture to establish standards for the care of animals at commercial breeding operations and make it a Class 3 misdemeanor for a commercial breeder to fail to adequately house, exercise, feed, water, provide adequate veterinary care, or otherwise meet the standards of care for animals in the breeder's possession.

Tax Reform

During the 2009 budget negotiations there was significant debate over how to raise revenue, with the chambers taking different approaches. Generally, the Senate favored taxing more services while the House favored increasing the sales and income taxes. Although a compromise was

reached on the budget, legislators vowed to take a longer, more detailed look at the state's tax structure. During the interim, per the Appropriations Act (S.L. 2009-451, S 202), the Joint House and Senate Finance Committee is meeting to study and recommend legislation to reform the state's sales and income tax structure in order to broaden the tax base and lower tax rates. Some have pressed for a special session to address tax reform; if the special session does not happen, this is an issue that is sure to receive attention during the 2010 session.

The Governor's Veto

Governor Perdue exercised her veto power for the first time on September 10 with the veto of H 104, Clarify Legislative Confidentiality. H 104 expanded the application of legislative confidentiality and passed both chambers unanimously. The Governor stated as her reason for the veto that the bill unnecessarily added new restrictions on public access to documents and information, as well as unfairly and unequally subjected state employees to criminal penalties. The Governor issued a proclamation of a reconvened session for September 18, 2009; however, the General Assembly declined to reconvene, letting the veto stand.

In H 104, legislators proposed to broaden confidentiality under Article 17 of G.S. Chapter 120 as confidential a request, and any supporting documents, made to an agency employee by a legislative employee. The act would have further protected information acquired by employees in the course of their employment by amending G.S. 120-132 to prohibit disclosure of such information by current or former legislative employees in any location within the state legislature buildings or grounds, unless that information was publicly available or found to be eligible for disclosure by a presiding judge. Finally, the act increased penalties for violations of Article 17 in G.S. 120-134, including making a former employee who willfully violated the Article guilty of a Class 3 misdemeanor.

For more information on this veto, please see the documents under the Ethics and Lobbying link on the Legislative Summaries 2009 webpage.

The Legislative Institution

Districting

In response to the Supreme Court's March 2009 ruling in *Bartlett v. Strickland*⁵, S.L. 2009-78 (H 1621) redraws House District 18 and neighboring House District 16. The case came about because of a challenge to the decision to split Pender County into the 18th and 16th districts under the rationale that splitting the county gave African Americans voters in Pender County, making up 35.33% of the county, the opportunity to join with majority voters, creating a crossover district, in order to elect a minority supported candidate while leaving the county whole would have been a violation of § 2 of the Voting Rights Act. The Supreme Court, however, upheld the State Supreme Court's order to redraw District 18, finding that § 2 of the Voting Rights Act does not protect minority voter groups that are smaller than 50% of a district voting age population nor does it require the creation of crossover districts. The act makes several changes to the Districts, including placing Pender County entirely within the 16th district. The changes are effective for elections in 2010.

Law Student Externs and Confidentiality

S.L. 2009-129 (H 1171) amends G.S. 120-29 (General Assembly) and G.S. 120C-100 (Lobbying) to include law school students participating in an externship program at the General Assembly to the definition of legislative employee. The act also amends G.S. 120-134, to require

⁵ *Bartlett v. Strickland*, 129 S. Ct. 1231(2009).

that any violations of confidentiality laws by an extern be referred to the extern's academic institution for discipline.

Statutory Language Sensitivity

This session the General Assembly took up two acts aimed at creating consistency in statutory language while showing more sensitivity. S.L. 2009-264 (S 208) states the General Assembly's intent to focus on disabled individuals as "people first" when drafting legislation. The act requires the Legislative Services Office to train bill drafters to avoid language that implies a person as a whole is disabled, that equates a person with his or her condition, or that is regarded as derogatory or demeaning. The act also requires the General Statutes Commission to recommend to the 2010 and 2011 sessions of the General Assembly any changes that need to be made to agency rules, statutes and the drafting policy to ensure the appropriate language is used. This act went through many changes over the course of session. Initial versions of the bill codified the drafting requirement and required specified terms to be replaced with specific more acceptable terms.

The General Assembly took up the issue of gender neutrality in S.L. 2009-273 (S 870). While the bill initially directed that the general statutes be revised to include gender neutral language, the bill was later modified to back away from actually requiring changes to existing statutes. Instead, the act requires that the General Statutes Commission study ways to make the statutes and State Constitution gender neutral and make recommendations to the 2010 and 2011 sessions of the General Assembly.

The 2010 Session

The adjournment resolution, Res. 2009-33 (S 1109), provides that the 2010 regular session of the General Assembly will convene at noon on May 12, 2010. Only the following may be considered during that 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.
- 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 authorizes the Speaker of the House or the President Pro Tempore of the Senate to allow committees or subcommittees to meet when the General Assembly is 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 may also meet with approval from the Speaker or President Pro Tem.

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