

March 31, 2009

**H 945. ENFORCE FEDERAL INDIAN CHILD WELFARE ACT.** Filed 3/31/09. *REQUIRING THAT THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES ENSURES ENFORCEMENT OF THE FEDERAL INDIAN CHILD WELFARE ACT.*

Directs the Division of Social Services in the Department of Health and Human Services to ensure that county departments of social service implement the policies of the Federal Indian Child Welfare Act by identifying eligible children in any child welfare proceeding, ensuring proper application of the federal law, and ensuring that the family and tribe of eligible children have adequate notice throughout the proceeding. Directs the Division to collaborate with the American Indian Mothers, Inc. to implement this directive. Appropriates from the General Fund to the American Indian Mothers, Inc. \$400,000 in 2009-2010 for implementation. Effective July 1, 2009.  
**Intro. by Sutton.** UNCODIFIED, APPROP

April 15, 2009

**H 945. ENFORCE FEDERAL INDIAN CHILD WELFARE ACT.** Filed 3/31/09. House committee substitute makes the following changes to 1st edition. Deletes the \$400,000 appropriation from the General Assembly to American Indian Mothers, Inc., for 2009-10 for the implementation of the act.

May 5, 2009

**H 945. STUDY/PRESERVE CULTURE/INDIAN CHILDREN (NEW).** Filed 3/31/09. House committee substitute makes the following changes to 2nd edition. Adds a whereas clause recognizing that North Carolina has many state-recognized Indian tribes whose child members are not protected under the federal Indian Child Welfare Act (ICWA) because these tribes have not received federal recognition. Deletes the substantive provisions of the 2nd edition and instead creates the 9-member House Select Committee on the Preservation of Culture and Customs of Indian Children (Committee) to study issues affecting the preservation of the customs and culture of Indian children who are not covered under the ICWA and who are the subject of legal proceedings in state courts, including, but not limited to, adoption, custody, and visitation matters. Provides criteria for appointments to the Committee and the composition of the Committee. Identifies issues that the Committee may study. Provides guidelines for the operations of the Committee. Provides that the Committee may submit interim reports as it deems necessary and requires the Committee to submit a final report to the 2010 Regular Session of the 2009 General Assembly. Directs that the Committee is to terminate upon the filing of its final report or upon the convening of the 2010 Regular Session of the 2009 General Assembly, whichever comes first. Changes the title to *AN ACT TO STUDY HOW THE TRADITIONAL NATIVE AMERICAN CULTURE, CUSTOMS, AND TRADITIONS OF STATE INDIAN TRIBE CHILDREN CAN BE PROTECTED WHEN THE CHILDREN ARE INVOLVED IN CUSTODY, ADOPTION, AND OTHER PROCEEDINGS IN STATE COURTS.*

Effective when it becomes law (was, effective July 1, 2009).

August 7, 2009

**H 945. THE STUDIES ACT OF 2009 (NEW).** Filed 3/31/09. Senate committee substitute makes the following changes to 3rd edition. Deletes contents of the previous edition and replaces it with *AN ACT TO PROVIDE FOR STUDIES BY THE COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.* Establishes study tasks and topics for the following commissions, committees, departments, and agencies:

*Legislative Research Commission:* Child Support Guidelines Regarding Child Support Arrearage That Does Not Accrue for a Parent Who is Incarcerated; Standards Applied in Disputed Child Custody Cases; Youth Transitioning Out of

Foster Care; Family Violence and Child Custody; Civil Custody Guardian Program; Juvenile Justice Administration; Grandparents' Visitation Rights; Parenting Education; Work and Family Balance; After-School Child Care and Related Programs; Preservation of Culture and Customs of Indian Children; Youth Violence; Issues Related to Sexual Abuse and Violence; Ex-Offender Reintegration Into Society; Sentencing and Prison Overcrowding; Prison Overcrowding, Incarceration of Nonviolent Felons, and Modified Sentences; Post-Conviction and Post-Release Bond; Guidelines for Issuance of a Limited Driving Privilege by the Courts; Early Childhood Programs; Innovations in Education; Legislative Grants; Project Graduate; Sports Injuries; Superior Court Criminal Case Calendaring; Health Insurance Coverage for the Diagnosis and Treatment of Autism Spectrum Disorders; Impact of Smoking Prohibitions in Foster Care Homes; Medicaid Income Levels/Community Alternative Programs; Mental Health Commitment Statutes; Feasibility and Advisability of Establishing "Cover NC" and Establishing the NC Health Insurance Market Choices Program; Statewide Trauma System; Pediatric Palliative and End-of-Life Care; Expanding Access to the Department of Health and Human Services' Controlled Substances Reporting System; Chiropractic Services and Cost-Sharing Under the State Health Plan; Mandatory Nurse Overtime; Comparative Effectiveness; Tax Credit for LID Stormwater Controls; Greenhouse Gas Credits for Farming; Gasoline Shortages; Sanitary District Laws; Mountain Resources; Transfer of Development Rights Into the Developed Areas of Counties, Including Currituck and Chatham Counties; Advancing Innovation in North Carolina; Modernize the NC Consumer Finance Act and the North Carolina Banking Laws; Regional Economic Development; Economic Impact of Arts and Culture in Western North Carolina; Science, Technology, Engineering, and Math (STEM) Innovation and Community Collaboration; Reform Insurance Rate Filing Process; System of Electing Judges; Use of 911 Funds; High-Speed Internet in Underserved Urban Areas; High-Speed Internet in Rural Areas; Broadband Use; Equine Industry; Impact and Control of Fire Ants in North Carolina; Coyote Nuisance Removal Program; Zoological Park Funding and Organization; Spay/Neuter Program; Issues Relating to the Duration of the Compensation for Temporary Total Disability Under the Workers' Compensation Act; Poultry Worker Health and Safety; Security and Emergency Medical Services at the State Legislative Buildings; Homeowners Associations; Setting of Rates for Homeowners Insurance in North Carolina; Mechanic's Liens on Real Property; Commercial Real Estate Broker Lien Act; Department of Military and Veterans Affairs Initiative; Increase Small Brewery Limits; Bicycle Laws; Voluntary Shared Leave Program; and Office of Prosecution Services.

*Joint Legislative Health Care Oversight Committee:* Validity of "Do Not Resuscitate" Orders Issued by a Physician in the Absence of a Declaration for Natural Death; Provider Credentials/Insurer/Provider Contracts; and Temporary License Waiver for Medical, Dental, Nursing, or Pharmacy Professionals.

*Joint Legislative Transportation Oversight Committee:* License Plate Backgrounds/Information; Authorization of Special Registration Plates;

Transportation Funding Distribution Formula; and Ways to Reduce Construction Expense.

*Joint Legislative Education Oversight Committee:* Consolidation of the General Statutes and Administrative Rules Pertaining to High School Programs Offered at Community Colleges; Social Workers in Schools; Impact of Student Mobility on Academic Performance; Alternative Schools; ABC Bonus Program; and State Need-Based Financial Aid.

*Environmental Review Commission:* Issues Related to the Use of Intrabasin and Interbasin Netting by Contract Among Water Utilities; Continue Study of Water Allocation Issues; Desirability and Feasibility of Consolidating the State's Environmental Policymaking, Rule-making, and Quasi-Judicial Functions Into One Commission; Issues Related to the Environmental Impacts of Cement Plants; Expanding Alternative Energy Use by State Government; Sustainable Growth Through the Year 2050; Green School Construction Loan Fund; Disclosure of Coastal Hazards; Phase Out Lagoon and Sprayfield Systems; Phase Out Polybrominated Diphenyl Ethers (PBDEs) and Bisphenol A; Strengthen Pesticide Law for Workers; Recycle Products Containing Mercury; Ordinances Banning Clotheslines; Green Building Code; Environmental Documents Prepared Pursuant to GS 113A-4; Use and Storage of Reclaimed Water; Remediation of Industrial and Commercial Site Contamination; and Reducing Diesel Emissions.

*Revenue Laws Study Committee:* Local Government Owned and Operated Communication Services; Issues Relating to Property Tax Relief Programs and Exemptions; Special Tax Reduction Provisions; Renewable Energy and Alternative Fuel Tax Credits; Small Business Incentives for Job Preservation and Growth; and Equal Tax Treatment of Government Retiree Benefits.

*Joint Legislative Utility Review Committee:* Service Charge for Prepaid Wireless Telephone Service; Feed-In Rates; Mountaintop Removal Coal Mining; Permits for the Siting of Wind Energy Facilities; NC Saves Energy; Energy Efficiency in State-Funded Buildings; and Applying Pesticides to Rights-of-Way.

*Joint Legislative Elections Oversight Committee:* Standardizing Select Election Processes; and Constitutionality of Article 22A of GS Chapter 163.

*General Assembly:* Efficiency of North Carolina's Ports.

*Legislative Study Commission on Children and Youth Studies:* Issues Related to Children of Incarcerated Parents; and Practice and Prevalence of Shackling Children En Route to Mental Health Commitment Hearings.

*Legislative Ethics Commission:* Compensation for Elected State Officials.

*Department of Health and Human Services:* Feasibility of Establishing a School-based Influenza Vaccination Pilot Program; Rate Equity for Medical Providers; and Feasibility of Requiring Long-term Care Facilities to Require Drug Tests on Applicants for Employment and on Employees.

*NC Institute of Medicine:* Mental Health, Developmental Disabilities, and Substance Abuse Services that are Funded with Medicaid Funds and with State Funds; Issues Related to Cost, Quality, and Access to Appropriate and Affordable Health Care for All North Carolinians; and Adequacy of Mental Health, Developmental Disabilities, and Substance Abuse Services Funded with

Medicaid Funds and with State Funds that are Currently Available to Active, Reserve, and National Guard Members of the Military, Veterans of the Military, and their Families.

*UNC Institute on Aging:* Public Guardianship Services.

*NC Midwifery Joint Committee:* Methodology for Licensing Certified Professional Midwives.

*UNC Board of Governors:* Feasibility of Implementing a Trimester System; Feasibility of Transferring the UNC Center for Public Television to the UNC School of the Arts; Impacts of Raising the Compulsory Public School Attendance Age Prior to Completion of a High School Diploma from 16 to 17 or 18.

*State Board of Community Colleges:* Strategies for Making the Construction Process for Community Colleges More Efficient; Need for Further Purchasing Flexibility; and Feasibility of Converting the Academic Calendar for Most of the Constituent Institutions of the North Carolina Community College System from a Semester System to a Trimester System.

*Criminal Justice Information Network Governing Board:* Feasibility of Developing and Maintaining an Automated System that would Receive Pawn Transaction Data Electronically from Pawn Shops.

*Department of Correction:* Comprehensive Reform of the State's Approach to Community Corrections; and Establishment of NC Correctional and Probation Officer Education and Training Standards.

*Department of Justice:* Feasibility and Implications of Allowing Candidates for Law Enforcement Certification to be Substituting Prior Military Police Officer Training and Service for Required Coursework.

*Post-Release Supervision and Parole Commission:* Issues related to Habitual Offenders.

*NC Courts Commission:* Judicial Department and General Court of Justice; and Supreme Court Rule Making.

*NC Domestic Violence Commission:* State Oversight and Coordination of Services to Victims of Sexual Violence.

*Child Fatality Task Force:* How to Recognize and Care for Children who are using Drugs for Purposes other than Legitimate Health Issues and whose parents are supplying the drugs.

*Department of Transportation:* Feasibility of Tolling all Interstate Highways entering into this state; and Locating any Raleigh to Richmond southeast high-speed passenger rail improvements in a corridor from Henderson to Roanoke Rapids, in the same location with the planned four-lane freeway location of US 158.

*Marine Fisheries Commission:* Current statutes and rules for Suspension, Revocation, and Reissuance of Marine Resources Licenses and Permits issued under Articles 14A, 14B, and 25A of GS Chapter 113.

*Department of Agriculture:* Whether Land Application of Septage and Sludge adequately Protects Human health and the Environment.

*Department of Environment and Natural Resources:* How to Comply with the Federal Requirements for Ambient Air Quality while Reducing the Frequency of Emissions Inspections on Motor Vehicles Less than Four Model years old;

Temporary Erosion Control Structures for purposes of Protecting Imminently Threatened Roads and Buildings; and Measures to Mitigate the Impact of Erosion-threatened Structures on the Public Beach.

*Department of Administration:* Ownership of Public Land located in North Carolina.

*Department of Insurance:* Latest version of the Property and Casualty Insurance Guaranty Association Model Act.

*Joint Legislative Elections Oversight Committee.* Constitutionality of GS Chapter 163 Article 22A.

Establishes the following committees, commissions, and task forces: 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; Joint Legislative Study Commission on the Modernization of North Carolina Banking Laws and the Consumer Finance Act; Legislative Task Force on Childhood Obesity; and the Study Commission on North Carolina's Energy Future.

Amends GS 120-70.105 to expand the membership of the Revenue Laws Study Committee to 20 (was, 16) members, with 10 (was, 8) each to be appointed by the President Pro Tem. of the Senate and the Speaker of the House of Representatives.

Provides that if a study is authorized both in this act and in the Current Operations and Capital Improvements Appropriations Act of 2009 (Appropriations Act of 2009), the study must be implemented in accordance with the Appropriations Act of 2009 as ratified.

September 24, 2009

**SL 2009-574 (H 945). THE STUDIES ACT OF 2009.** AN ACT TO PROVIDE FOR STUDIES BY THE COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS. Summarized in *Daily Bulletin* 8/7/09. Enacted September 10, 2009. Effective September 10, 2009, except as otherwise provided.