At new member orientations over the 31 years I was Bill Drafting Director at the North Carolina General Assembly, I jokingly told members and the media that bill drafting was legalized plagiarism. Not only was it fine to lift ideas and even verbatim language from introduced bills and enacted statutes from other state, there wasn’t even a system to give credit.

North Carolina’s bill drafting staff consists of attorneys and paralegals trained in the art and science of drafting legislation – attorneys I interviewed for staff openings would often ask “Is experience required for this job” – I would answer “Yes, but I don’t know where you would have gotten it.” (Actually, North Carolina legislative staff has had staff who came from other state legislatures – the best known of whom is First Lady Kristin Cooper who worked for the Oklahoma legislature before coming to the North Carolina legislative staff.)

Law schools are few and far between that teach legislative drafting, or for that matter much of anything relating to the legislative process. It’s mostly on the job training, passed down like an oral history. I started at the General Assembly in 1977, my first boss there had started at the School of Government working on legislation in 1953.

Legislators would arrive in our bill drafting office with an idea, or a list of ideas. I had two or three legislators a session who would arrive in my office with 50 requests at once, and 100 per session – while other members might have just three or four requests a year. While members were free to talk directly to the staff attorney responsible for that area, most wanted to meet with me to screen the requests, have some preliminary discussion, and then refer them to the staff attorney or paralegal to finish discussions prior to drafting. (I’ve included with today’s materials a list of staff and a list of subject areas, each cross-referenced

Legislator’s ideas come from many sources – 1) The issue that made them run; 2) constituent requests; 3) local bill requests from cities and counties in their districts; 4) requests from lobbyists; 5) requests from national and local organizations; 6) articles in the press indicating problems; 7) judicial opinions pointing out problems with statutes
and sometimes even suggesting the General Assembly act; 8) bills from prior sessions; 9) requests from the executive branch; 10) bills from other states; 11) model and uniform acts from one of several national organizations; and 12) recommendations of an interim or standing commission. Each of those areas presented differing problems. Statutes provide confidentiality to conversations between the member and legislative staff as well as the preliminary drafts and correspondence – with some exemptions to confidentiality in the redistricting process.

In order for the drafting staff to talk to third parties about the drafts, be it lobbyists, constituents, or others, the legislator must authorize the conversations. Lobbyists and national organizations might send the legislator completed drafts. Most drafting request would require consultation with or review by third parties. The absolute worst bill drafts were brought in by lobbyists or by the members themselves, with the injunction that all stakeholders had approved every word, and not a word was to be changed – despite the parties themselves knowing little about bill drafting, often using drafts for statutes from other states with different administrative systems or competing statutes.

The Bill Drafting Division might receive 2,000 drafting requests in the long session, with some of the drafters handling 200 or more requests. The drafter upon receiving the request must do research, often substantial. A large number of the requests might be for a simple appropriation for an organization or purpose, which involves primarily determining if it is for a public purpose and if the correct name for the grantee is used. A surprising number of nonprofits don’t even appear to know the correct legal name of the corporate legal entity, and staff must check the Secretary of State corporate database and sometimes obtain the corporation’s articles of incorporation. Is it Y.W.C.A, YWCA, or Young Women’s Christian Association, for example, as the grantee for an after school food bank. I remember one, that is if memory serves my correctly, where the name on the letterhead and text of the proposed grantee was YWCA of Winston-Salem, while the grantee’s actual corporate name was Young Men’s Christian Association of Winston-Salem & Forsyth County, and there wasn’t even a recorded assumed name. On the other hand, the budget itself can be a 400 page bill, with a dozen drafting staff members working thousands of hours in total with Fiscal Research Staff and subcommittees. The Appropriations Committee is staffed by the Bill Drafting Division, while other standing committees are staffed by the Legislative Analysis Division – for several reasons – the bill filing deadlines are usually over by the time the budget bill is put together, and the bill drafting attorneys then have time to staff the Appropriations Committee, while at that phase of the legislative session, there is a high volume of bills moving through the other standing committees, taking up all the time of the Legislative Analysis Division staff attorneys.

Once the staff attorney has received the request from the legislator, the real work begins. I made it a practice when the request came in the form of a bill draft submitted by a lobbyist or organization, I would get permission from the legislator to ask the draft submitter to also include an explanation of what the bill was intended to do, and not
infrequently I would find that the submitted draft didn’t do what the organization thought it was asking for, often because of misunderstanding of the law by the outside person who drafted a bill. In the area of local legislation, I was often asked to work with the city or county attorney in finalizing the draft for the local governing board to approve. A substantial amount of legislation is local in nature, applying to or within one or a small number of local governments.

The bill drafter has to not only check other statutes that may need to be amended or repealed in carrying out the request, but also potential conflict with federal regulations, federal statutes, and the North Carolina and United States Constitutions. (I can say that the final element of the Supremacy Clause, treaties, never was something I had to look at in researching a bill draft). After consulting with whatever primary and secondary sources, and with whatever individuals are permitted by the requester, the drafter sends a draft to the sponsor, usually accompanied by some sort of explanation in writing. It’s not unusual for about 20 percent of drafts delivered to members to never be introduced as bills. That occurs for various reasons – the problem and/or solution turns out to be more complicated than the sponsor had realized – or other members or leadership suggest the draft not be filed. With the House of Representatives limiting members to filing 10 public bills, a member with 20 or 30 requests will need to pick and choose what to file. (Senators have no such filing limit). Drafters would often have the division director or other staff members review and critique their draft, but there was no mandatory internal review process. Legislators usually saw the committee process as the final review of the draft by Legislative Analysis Division staff attorneys, and it was often a useful reduction of staff time, as a majority of introduced bills never even came up in committee, much less become law.

Finally, the legislator may ask for revisions to the draft. This can happen one or multiple times as new information is obtained and the requester accepts the draft for filing.
A BILL TO BE ENTITLED
AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS
OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

PART I. TITLE AND INTRODUCTION

TITLE OF ACT
SECTION 1.1. This act shall be known as the "Current Operations Appropriations
Act of 2019."

INTRODUCTION
SECTION 1.2. The appropriations made in this act are for maximum amounts
necessary to provide the services and accomplish the purposes described in the budget in
accordance with the State Budget Act. Savings shall be effected where the total amounts
appropriated are not required to perform these services and accomplish these purposes, and the
savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise
provided by law.

PART II. CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

GENERAL FUND APPROPRIATIONS
SECTION 2.1.(a) Appropriations from the General Fund for the budgets of the State
departments, institutions, and agencies, and for other purposes as enumerated, are made for each
year of the 2019-2021 fiscal biennium, according to the following schedule:

<table>
<thead>
<tr>
<th>Current Operations - General Fund</th>
<th>FY 2019-2020</th>
<th>FY 2020-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDUCATION</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
by the Director of the Budget and the budget enacted by the General Assembly, the budget
enacted by the General Assembly shall prevail.

SECTION 42.2(d) Notwithstanding subsection (a) of this section, the following
portions of the Committee Report are for reference, and do not expand, limit, or define the text
of the Committee Report:

1. Summary pages setting forth the enacted budget, the legislative changes, the
revised budget, and the related FTE information for a particular budget code
and containing no other substantive information.

2. Summary pages setting forth the enacted budget, the legislative changes, the
revised budget, and the related FTE information for multiple fund codes
within a single budget code and containing no other substantive information.

REPORT BY FISCAL RESEARCH DIVISION

SECTION 42.3. The Fiscal Research Division shall issue a report on budget actions
taken by the 2019 Regular Session of the General Assembly. The report shall be in the form of a
revision of the Committee Report described in Section 42.2 of this act pursuant to G.S. 143C-5-5.
The Director of the Fiscal Research Division shall send a copy of the report issued pursuant to
this section to the Director of the Budget. The report shall be published on the General
Assembly's Internet Web site for public access.

APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

SECTION 42.4. Except where expressly repealed or amended by this act, the
provisions of S.L. 2019-9, S.L. 2019-15, and any other enactments affecting the State budget
during the 2019 Regular Session of the General Assembly, shall remain in effect.

MOST TEXT APPLIES ONLY TO THE 2019-2021 FISCAL BIENNIAL

SECTION 42.5. Except for statutory changes or other provisions that clearly indicate
an intention to have effects beyond the 2019-2021 fiscal biennium, the textual provisions of this
act apply only to funds appropriated for, and activities occurring during, the 2019-2021 fiscal
biennium.

EFFECT OF HEADINGS

SECTION 42.6. The headings to the Parts, subparts, 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 or subpart.

SEVERABILITY CLAUSE

SECTION 42.7. If any section or provision of this act is declared unconstitutional
or invalid by the courts, it does not affect the validity of this act as a whole or any part other than
the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE

SECTION 42.8. Except as otherwise provided, this act becomes effective July 1,
2019.
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SENATE BILL 354
Education/Higher Education Committee Substitute Adopted 5/6/19
House Committee Substitute Favorable 6/25/19
House Committee Substitute #2 Favorable 7/8/19

Short Title: Sam's Law. (Public)
Sponsors:
Referred to:

March 26, 2019

A BILL TO BE ENTITLED
AN ACT RELATING TO SEIZURE DISORDERS IN SCHOOLS.
The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as the "Seizure Safe Schools Act of 2019" or "Sam's Law" and may be cited by those names.

SECTION 2. Article 25A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-375.7. Seizures.
(a) Definitions. — For purposes of this section, the following definitions shall apply:
(1) Parent. — A parent, legal guardian, or legal custodian of a student.
(2) Public school unit. — Any of the following:
   a. A local school administrative unit.
   b. A charter school.
   c. A regional school.
   d. A school providing elementary or secondary instruction operated by one of the following:
      1. The State Board of Education, including schools operated under Article 7A and Article 9C of this Chapter.
      2. The University of North Carolina, including schools operated under Article 4, Article 29, and Article 29A of Chapter 116 of the General Statutes;
(3) School. — A school within a public school unit.
(4) Seizure action plan. — A written, individualized health plan between a school and the parent of a student in the school who is diagnosed with a seizure disorder. The plan acknowledges the health care needs of the student, prepares both parties to meet those needs, and applies over the course of a school year.
(b) Seizure Action Plan. — The parent of any student may petition a school for the development of a seizure action plan if the student is (i) diagnosed with a seizure disorder and (ii) enrolled in the school. The school shall keep each seizure action plan on file in the office of a school administrator or school nurse employed by the public school unit and make the plan available to any school personnel and, with the permission of the student's parent, any volunteer responsible for the supervision of the student. The parent and the school shall develop the seizure action plan in accordance with policies and procedures developed by the governing body of the public school unit. At a minimum, the plan shall include the following components:
A BILL TO BE ENTITLED
AN ACT TO ALLOW VOTING BY ABSENTEE BALLOT IN FIRE DISTRICT ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1295(c) is repealed.

SECTION 2. This act is effective when it becomes law and applies to fire district elections held on or after that date.
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL DRH10012-TC-2

Short Title: Ensure Student Safety at School Voting Sites. (Public)
Sponsors: Representatives Lambeth and Zachary (Primary Sponsors).
Referred to:

A BILL TO BE ENTITLED
AN ACT TO ENSURE STUDENT SAFETY WHEN SCHOOLS ARE USED AS VOTING SITES.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(64) To Authorize Use of a School as a Voting Place with Safety Plans. – Upon request from the local board of elections, a local board of education may, but is not required to, consent to the use of a school as a voting place. If the local board of education consents to the request, the local board of education shall develop a safety plan that the local board of elections shall follow to ensure the security of students at the school while the building is being used as a voting place."

SECTION 2. G.S. 163A-1046(a) reads as rewritten:

"(a) At the voting place in each precinct established under the provisions of G.S. 163A-1045, the county board of elections shall provide or procure by lease or otherwise a suitable structure or part of a structure in which registration and voting may be conducted. To this end, the county board of elections shall be entitled to demand and use any school or other State, county, or municipal building, building other than a school titled to a local board of education, or a part thereof, or any other building, or a part thereof, which is supported or maintained, in whole or in part by or through tax revenues provided, however, that this section shall not be construed to permit any board of elections to demand and use any tax-exempt church property for such purposes without the express consent of the individual church involved, for the purpose of conducting registration and voting for any primary or election, and it may require that the requisitioned premises, or a part thereof, be vacated for these purposes. The board of elections may submit a request to a local board of education for the use of a school, but may not use the property without the consent of the local board of education and compliance with the required safety plan, as provided in G.S. 115C-47(64)."

SECTION 3. G.S. 163A-1303(b) reads as rewritten:

"(b) The State Board shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a one-stop site in a building that the county board of elections is not entitled under G.S. 163A-1046 to demand and use as an election-day voting place, unless the State Board finds that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under G.S. 163A-1300, 163A-1302, this section, and G.S. 163A-1304, the county board of elections shall make a request to the State, county, city,
local school board, or other entity in control of the building that is supported or maintained, in
whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee
voting under these sections. The request shall clearly identify the building, or any specific portion
thereof, requested the dates and times for which that building or specific portion thereof is
requested and the requirement of an area for election related activity. If the State, local governing
board, or other entity in control of the building does not respond to the request within 20 days,
the building or specific portion thereof may be used for one-stop absentee voting as stated in the
request. If the State, local governing board, or other entity in control of the building or specific
portion thereof responds negatively to the request within 20 days, that entity and the county board
of elections shall, in good faith, work to identify a building or specific portion thereof in which
to conduct one-stop absentee voting under G.S. 163A-1300, 163A-1302, this section, and
G.S. 163A-1304. If the building is a school titled to a local board of education, the property may
not be used without the consent of the local board of education and compliance with the required
safety plan, as provided in G.S. 115C-47(64). If no building or specific portion thereof has been
agreed upon within 45 days from the date the county board of elections received a response to
the request, the matter shall be resolved by the State Board."

SECTION 4. This act becomes effective July 1, 2019, and applies to all elections
conducted on or after that date.