

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**SENATE BILL 657  
Judiciary II (Criminal) Committee Substitute Adopted 7/27/07**

Short Title: Study Comm. on State Civil Rights Enforcement.

(Public)

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Sponsors:

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Referred to:

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March 12, 2007

A BILL TO BE ENTITLED

1 AN ACT ESTABLISHING THE LEGISLATIVE STUDY COMMISSION ON STATE  
2 CIVIL RIGHTS ENFORCEMENT.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** There is created the Legislative Study Commission on State  
5 Civil Rights Enforcement ("Commission"). The Commission shall consist of the  
6 Director of the Office of Administrative Hearings or the Director's designee and the  
7 Secretary of the Department of Administration or the Secretary's designee, both serving  
8 as ex officio, nonvoting members, and 15 voting members, appointed as follows:

9 (1) Five members appointed by the Governor, to include:

- 10 a. One person who represents an organization whose primary  
11 purpose is to work against discrimination in housing.  
12 b. Three representatives of organizations whose objectives include  
13 the elimination of discrimination on the basis of sex, race,  
14 ethnic origin, religion, physical or mental disability, or any  
15 other legally protected category.  
16 c. One person knowledgeable of State and federal labor law.

17 (2) Five members appointed by the President Pro Tempore of the Senate,  
18 to include:

- 19 a. Three members of the Senate.  
20 b. One person who is an active State employee.  
21 c. One person from a private business or firm employing fewer  
22 than 200 employees in this State.

23 (3) Five members appointed by the Speaker of the House of  
24 Representatives, to include:

- 25 a. Three members of the House of Representatives.  
26 b. One person who is a retired State employee.  
27 c. One person from a private business or firm employing 200 or  
28 more employees in this State.  
29

1           **SECTION 1.(b)** The Commission shall study the following issues relating to  
2 civil rights in this State:

- 3           (1) Current levels of funding provided to civil rights agencies.
- 4           (2) Mission statements of existing civil rights agencies.
- 5           (3) Current practices and structures of civil rights agencies in other states.
- 6           (4) Gaps in current service levels (such as the provision of public  
7 accommodations and the enforcement of hate crimes).
- 8           (5) Feasibility of creating a single State agency, division, or commission  
9 for civil rights investigations and enforcement.
- 10          (6) Analysis and recommendation of the appropriate level within State  
11 government to locate a civil rights agency.
- 12          (7) A recommended structure of a civil rights agency, including the  
13 appointment of a principal position.
- 14          (8) A recommended scope of application for a civil rights agency  
15 employment law function (i.e., apply only to public employment  
16 discrimination or to both public and private employment  
17 discrimination).
- 18          (9) Recommendation of whether or not a hate crimes unit should be  
19 established.
- 20          (10) Any other issue deemed relevant and necessary by the cochairs of the  
21 Commission.

22           The Commission may conduct public hearings around the State to solicit  
23 firsthand testimony regarding civil rights enforcement issues in North Carolina.

24           **SECTION 2.** The President Pro Tempore of the Senate and the Speaker of  
25 the House of Representatives shall each appoint a cochair for the Commission. The  
26 Commission may contract for consultant services as provided by G.S. 120-32.02. Upon  
27 approval of the Legislative Services Commission, the Legislative Services Officer shall  
28 assign professional and clerical staff to assist in the work of the Commission. Clerical  
29 staff shall be furnished to the Commission through the offices of the House of  
30 Representatives and the Senate Directors of Legislative Assistants. The Commission  
31 may meet in the Legislative Building or the Legislative Office Building upon the  
32 approval of the Legislative Services Commission. Members of the Commission shall  
33 receive per diem, subsistence, and travel allowances at the rate established in  
34 G.S. 120-3.1. The appointing authority shall fill vacancies.

35           The Commission, while in the discharge of its official duties, may exercise all  
36 the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4,  
37 including the power to request all officers, agents, agencies, and departments of the  
38 State to provide any information, data, or documents within their possession,  
39 ascertainable from their records, or otherwise available to them and the power to  
40 subpoena witnesses.

41           The State Personnel Commission, in conjunction with the Director of the  
42 Office of State Personnel, shall designate appropriate staff to serve as liaison to the  
43 Commission.

1           The Office of State Personnel shall complete an analysis of the issues  
2 identified for study in Section 1(b) of this act and submit that analysis, including any  
3 findings and recommendations, to the Commission by May 1, 2008, for the  
4 Commission's consideration.

5           **SECTION 3.** The Commission's interim and final reports shall include the  
6 results of the Commission's study as well as recommendations, legislative and  
7 otherwise. The Commission shall submit an interim report to the 2008 Regular Session  
8 of the 2007 General Assembly. The Commission shall make a final report to the 2009  
9 General Assembly and shall terminate upon filing its final report.

10           **SECTION 4.** There is appropriated from the General Fund to the General  
11 Assembly the sum of twenty-five thousand dollars (\$25,000) for the 2007-2008 fiscal  
12 year and the sum of twenty-five thousand dollars (\$25,000) for the 2008-2009 fiscal  
13 year to fund the work of the Study Commission created in Section 1 of this act.

14           **SECTION 5.** This act becomes effective October 1, 2007.