

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

2

SENATE BILL 1152*
Rules and Operations of the Senate Committee Substitute Adopted 7/16/04

Short Title: Studies Act of 2004.

(Public)

Sponsors:

Referred to:

May 18, 2004

A BILL TO BE ENTITLED

AN ACT CONCERNING STUDIES.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known as "The Studies Act of 2004".

PART II. LEGISLATIVE RESEARCH COMMISSION

SECTION 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 2003 or 2004 Regular Session of the 2003 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The following groupings are for reference only:

(1) Government Regulatory Issues:

- a. Fire safety in local confinement facilities
- b. Regulating ticket brokers
- c. Light pollution (Queen)
- d. Urban cores (Queen)
- e. Legislative and Executive branch lobbying (Kinnaird)
- f. Alcoholic beverage control
- g. State fire protection (S.B. 1377 – Kinnaird)

(2) Transportation Issues:

- a. Purchasing alternative-fuel or low-emission school buses (S.J.R. 768 – Bingham)
- b. Commercial drivers license requirements and emergency situations (Sloan)

- 1 (3) Consumer Issues:
2 a. Debt collection practices (Rand)
- 3 (4) Insurance Issues:
4 a. Workers' compensation/agricultural employment (S.B. 632 –
5 Clodfelter)
- 6 (5) Criminal Law Issues:
7 a. Review of sentencing guidelines
8 b. Judicial approval for pleas in certain cases (Clodfelter)
- 9 (6) State Employee Issues:
10 a. Pay equity (S.B. 747 – Lucas)
11 b. Job sharing
12 c. Reemployment of retirees (S.B. 10 – Garwood)
13 d. Postretirement Earnings (S.B. 1313 – Dorsett)
- 14 (7) Other:
15 a. Guardianship (S.B. 1152 – Swindell, Purcell)
16 b. Immigration (S.J.R. 553 – Albertson)
17 c. Marine fisheries (S.B. 838 – Albertson)
18 d. Casino nights for nonprofit organizations
19 e. Soil and water conservation issues
20 f. Trafficking of persons (S.B. 1197 – Kinnaird)
21 g. Regulation of sellers of timeshares (Rand)
22 h. Attorney solicitation regulation (S.B. 1317 – Rand)

23 **SECTION 2.1.(a)** Size/Scope of Boards and Commissions (S.J.R. 924 –
24 Rand) – The Commission may study boards and commissions. If this study is
25 undertaken, the Commission shall establish a schedule for reviewing boards and
26 commissions so that approximately twenty-five percent (25%) of the total number of
27 State boards and commissions are reviewed each year for the next four years. In
28 reviewing boards and commissions, the Commission shall consider the following:

- 29 (1) The consolidation of boards and commissions, where appropriate.
30 (2) Reducing the number of members serving on boards and commissions.
31 (3) Reducing the number of meetings of boards and commissions.
32 (4) The scope and authority of boards and commissions.
33 (5) The elimination of boards and commissions, where appropriate.

34 **SECTION 2.1.(b)** Availability of Health Insurance for Small Businesses and
35 Trade Associations (S.B. 758 – Rand, Clodfelter, Soles) – The Commission may study
36 the availability of health insurance for small employers. The Commission shall
37 examine the Small Employer Group Health Insurance Reform Act to determine whether
38 its provisions should be revised to increase the availability of health insurance offered to
39 small employers in North Carolina. The Commission shall also examine whether North
40 Carolina laws conflict with federal law regarding the ability of a trade association to
41 obtain health insurance through a commercial carrier.

42 **SECTION 2.1.(c)** Availability of Health Insurance for Uninsurable
43 Individuals (Rand) – The Commission may study ways to make insurance available to
44 individuals who have difficulty obtaining health insurance coverage. In conducting the

1 study, the Commission shall consider methods employed by other states to meet this
2 need, and possible administrative structures, funding mechanisms, and coverages.

3 **SECTION 2.1.(d)** Pawnbrokers – The Commission may study the laws
4 regulating pawnbrokers and those nonregulated retail outlets engaging in similar
5 business and acting as pawnbrokers. If undertaken by the Commission, the study shall
6 include an examination of the advisability, viability, and cost of all of the following
7 modifications to existing law with the goal of more efficiently monitoring pawnshop
8 businesses that are engaging in similar business and to more effectively aid in the
9 speedy recovery of stolen property:

- 10 (1) Picture identification of sellers or pledgers.
- 11 (2) Thumbprints on each pawn or sales receipt.
- 12 (3) Machine-printed or otherwise legible pawn and sales receipts.
- 13 (4) Requirements for time and date on pawn or sales receipts.
- 14 (5) Recordation of any visible owner-applied numbers or markings on
15 property.
- 16 (6) Prohibition on receipt and sale of new property.
- 17 (7) Authorization of fees to support local pawnbroker-related law
18 enforcement.
- 19 (8) Computerization of pawnshop records.
- 20 (9) Requirement that pawnbroker records be made available to law
21 enforcement.

22 **SECTION 2.1.(e)** Medicaid Funding – The Commission may study the
23 feasibility of eliminating county financial participation in the Medicaid program. In
24 conducting the study, the Commission may consider alternative funding methods to
25 ensure that the short- and long-term impact on State funds of eliminating county
26 financial participation in Medicaid is revenue neutral when calculated on a statewide
27 basis. The Commission may also consider retaining the county contribution to
28 administrative costs of the Medicaid program. In making its recommendations to the
29 General Assembly, the Commission shall include a fiscal analysis of the impact on State
30 revenue and Medicaid expenses estimated to result from eliminating county
31 participation in the Medicaid program.

32 **SECTION 2.1.(f)** Study VoCATS – The Commission may study the
33 VoCATS program, which is the accountability system for vocational education courses.
34 If it undertakes this study, the Commission shall consider the following:

- 35 (1) Whether the State-developed tests are the appropriate means to
36 measure student mastery of the knowledge and skills taught in
37 vocational education courses, with specific focus on the agriculture
38 curriculum.
- 39 (2) The system for development of appropriate tests and methods of
40 measuring student achievement and program performance in
41 vocational and technical education.
- 42 (3) The public school system of measuring student performance in the
43 vocational and technical area as compared to the community college

1 system of measuring student performance in the vocational and
2 technical area.

- 3 (4) Alternatives to the current tests, methods, and techniques provided
4 through VoCATS.

5 **SECTION 2.1.(g)** Availability and Delivery of Government Services to
6 Hispanics (Reeves, Malone) – The Commission may study the current State and local
7 policies regarding the availability and delivery of government services to the State's
8 increasing Hispanic population, the issues confronted by governmental agencies in
9 effectively delivering those services, and the issues confronted by members of the
10 Hispanic community in obtaining those services. If it undertakes this study, the
11 Commission shall focus particularly on services in the areas of education, health, and
12 public safety. As part of its study, the Commission may consider how all of the
13 following complicate the delivery and receipt of government services within the State's
14 Hispanic community:

- 15 (1) Cultural differences.
16 (2) Language barriers.
17 (3) Difficulties encountered by members of the Hispanic community in
18 obtaining the personal identification documents that are often required
19 to obtain government services.
20 (4) Difficulties encountered by members of the Hispanic community in
21 obtaining drivers licenses, occupational licenses, professional licenses,
22 and other types of licenses required to qualify for governmental
23 services or to do business in the State.
24 (5) Federal immigration laws, the failure to comply with those laws, and
25 how the fear of discovery of noncompliance with federal immigration
26 laws affects the delivery and receipt of services, and in some instance
27 even the willingness to apply for those services.
28 (6) The increasing economic, personnel, and time demands placed on
29 State and local government agencies in responding to the growing
30 needs for governmental services.
31 (7) Any other issue relevant to this study.

32 If it undertakes this study, the Commission shall also identify those issues
33 that are best addressed at the local level, those that are best addressed at the State level,
34 and those best addressed at the federal level.

35 **SECTION 2.1.(h)** Office of State Energy – The Commission may study the
36 functions, duties, and responsibilities of the Office of State Energy and may make a
37 determination of whether those functions, duties, and responsibilities support the
38 legislative purpose for the Office or whether the purpose should be modified.

39 **SECTION 2.1.(i)** Comprehensive Statewide Emergency Communications
40 Planning (Clodfelter) – The Commission may study and recommend legislation,
41 funding needs, interoperability, and policy to:

- 42 (1) Enact a comprehensive first and second responder statewide
43 communications goals list and plan that includes, at a minimum, law

1 enforcement, fire, medical, utilities, and emergency management
2 agencies.

- 3 (2) Coordinate and assist grant applications from State and local
4 organizations for federal communications funding.

5 **SECTION 2.1.(j)** School Calendar/Later First Instructional Day/Workdays –

6 The Commission may study whether the first instructional day of the school year should
7 be later than the current practice. The Commission may also study the number of
8 teacher workdays. If the Commission undertakes this study, the Speaker of the House
9 of Representatives shall appoint six members of the House of Representatives, and the
10 President Pro Tempore of the Senate shall appoint six members of the Senate to conduct
11 the study, with one chair designated from among the appointees of each appointing
12 officer. In the course of the study, the Commission shall consult with representatives of
13 North Carolina's public schools, including the North Carolina School Boards
14 Association, North Carolina Association of Educators, North Carolina Association of
15 School Administrators, and parent organizations, as well as representatives of the
16 tourism and hospitality industries. The Commission shall consider the following:

- 17 (1) The economic impact of setting the first instructional day of the school
18 year later than the current practice.
19 (2) The impact on elementary school students.
20 (3) The impact of the school calendar on the quality of education.
21 (4) The performance of students on block schedules as compared to
22 students on traditional schedules.
23 (5) The performance of students who take examinations before Christmas
24 as compared to those who take exams after Christmas.
25 (6) The impact on the schedule for high school and middle school athletic
26 events.
27 (7) The impact on school personnel, particularly those who must
28 coordinate their schedules with institutions of higher education to
29 maintain their certification.
30 (8) The school calendars of other states.
31 (9) The impact of weather on lost school days.
32 (10) The impact of an early August school start on family economics and
33 culture.
34 (11) The impact on teacher workdays.

35 The Commission may also study the value of the teacher workdays now
36 included in the school calendar and whether North Carolina students could benefit by
37 converting a number of those workdays to additional days of instruction.

38 **SECTION 2.1.(k)** Naturopathy (S.B.1268 – Kinnaird) – The Commission
39 may study the practice of naturopathy in North Carolina and make recommendations as
40 to whether it would be in the public interest for practitioners to be licensed or otherwise
41 appropriately regulated.

42 In conducting the study, the Commission may consider the following:

- 43 (1) The definition and components of naturopathy and naturopathic
44 therapies.

- 1 (2) The health, cultural, and social significance of naturopathy in North
2 Carolina and nationally.
- 3 (3) The distinctions and similarities between naturopathic therapies and
4 conventional medical treatments.
- 5 (4) The education and training of practitioners and the quality of that
6 education and training, the extent to which the practice of naturopathy
7 requires specialized skills or training, and the standards for
8 determining the level of education and qualifications that should be
9 required for licensure.
- 10 (5) The extent to which there is, and can be, integration and coordination
11 of natural therapies and conventional medical treatments.
- 12 (6) The regulation and enforcement related to naturopathy in North
13 Carolina and nationally, the need for regulation, and the extent and
14 impact of previous regulatory efforts.
- 15 (7) Whether, without licensure, the general public possesses the ability to
16 determine whether a practitioner is competent.
- 17 (8) Whether substantial harm to the public health, safety, and welfare
18 exists if the practice of naturopathy is unregulated.
- 19 (9) The appropriate structure, composition, and responsibilities of a
20 regulatory board pertaining to the practice of naturopathy, the extent to
21 which the responsibilities of a board can be fulfilled, and whether
22 board operations can reasonably be financed through licensing fees.
- 23 (10) The extent to which naturopathy is regulated in other states, and the
24 impact of that regulation.
- 25 (11) The scope of practice applicable to practitioners of naturopathy.
- 26 (12) Whether practitioners of naturopathy in North Carolina have, or
27 propose to have, a code of ethics, a voluntary certification program, or
28 other measures to ensure minimum quality of service.
- 29 (13) The kinds of regulatory provisions that exist in other states.
- 30 (14) How the practice of naturopathy will be regulated, including the
31 qualifications and disciplinary proceedings to be applied to
32 practitioners.
- 33 (15) How the public will benefit from licensure or other regulation.
- 34 (16) The fiscal impact of licensure or other regulation upon the State.
- 35 (17) Any other information the Commission considers relevant.

36 **SECTION 2.1.(I)** Equity-Building Homes (S.B. 894 – Queen) – The
37 Commission may study methods to substantially increase the number of North
38 Carolinians who own equity-building homes. As part of the study, the Commission
39 may:

- 40 (1) Determine the extent to which the public is knowledgeable about
41 housing products that are likely to build equity over time.
- 42 (2) Identify State, federal, and local barriers to constructing
43 equity-building homes in both high-demand locations and rural areas.

- 1 (3) Investigate the adequacy and funding of programs and counseling
2 services that are available to educate consumers about home financing
3 products, credit remediation, home maintenance, and foreclosure
4 prevention strategies.

5 As used in this section, the term "equity-building home" means a residential
6 structure that will be the purchaser's primary residence and that meets the State and
7 local building code standards in place at the time of construction, or if there were no
8 building codes in effect at the time of construction, that was constructed on-site. An
9 equity-building home will also have characteristics that are likely to cause it to
10 appreciate in value over time.

11 **SECTION 2.1.(m)** Funding/Budgeting of Occupational Licensing Boards
12 (Hagan) – The Commission may study the funding mechanisms of all of the
13 occupational licensing boards and commissions in the State and shall consider options
14 for funding and budgeting those boards and commissions more effectively and
15 efficiently, including funding and budgeting those board and commissions through the
16 General Fund.

17 **SECTION 2.1.(n)** State-Local Relationships (S.B. 1336 – Hoyle, Foxx) –
18 The Commission may study the relationship between the State and local governments
19 with respect to the provision of services. The study shall address the following issues:

- 20 (1) Mandates that the State has placed on local governments regarding the
21 provision of services to State residents. This study shall include a
22 review of which mandates are a result of State law, which mandates
23 are a result of federal law, and which mandates are a result of a
24 combination of State and federal law.
- 25 (2) Funding sources for local governments. The study shall include a
26 review of all appropriations made from the State to local governments,
27 all revenues shared between the State and local governments, and all
28 methods of raising revenue allowed by the State to local governments.
- 29 (3) A comparison of the State-local relationship in North Carolina with the
30 state-local relationships in other states. In particular, the study shall
31 compare the percentage of the costs of services borne by the State in
32 comparison to the percentage of similar costborne by other states.
- 33 (4) A comparison of local governments with regard to the burden on local
34 budgets of mandated programs. This study shall look at the property
35 tax rates in different jurisdictions and the percentage of local budgets
36 that support various programs.
- 37 (5) A comparison of the combined State-local tax burden on individuals
38 and businesses in comparison with those in other states.

39 In considering appointees to the committee to study this matter, the
40 appointing authorities shall consider inclusion of local government representatives.

41 **SECTION 2.2.** For each Legislative Research Commission committee
42 created during the 2003-2005 biennium, the cochairs of the Legislative Research
43 Commission shall appoint the committee membership.

1 **SECTION 2.3.** For each of the topics the Legislative Research Commission
2 decides to study under this part or pursuant to G.S. 120-30.17(1), the Commission may
3 report its findings, together with any recommended legislation, to the 2005 General
4 Assembly upon its convening.

5 **SECTION 2.4.** From the funds available to the General Assembly, the
6 Legislative Services Commission may allocate additional monies to fund the work of
7 the Legislative Research Commission.

8
9 **PART III. JOINT LEGISLATIVE GROWTH STRATEGIES OVERSIGHT**
10 **COMMITTEE**

11
12 **SECTION 3.1.** The Joint Legislative Growth Strategies Oversight
13 Committee may study the issues of:

- 14 (1) Delegation of authority to cities and counties (S.B. 160 – Clodfelter).
15 (2) Modernizing city and county planning (S.B. 914 – Clodfelter).
16 (3) Transferable development rights.

17 **SECTION 3.2.** Section 3.3 of S.L. 2001-491 reads as rewritten:

18 **"SECTION 3.3.** This Part becomes effective January 15, 2002, and expires January
19 16, ~~2005-2007~~. Prior to its expiration on January 16, ~~2005-2007~~, the Committee shall
20 report to the General Assembly on its activities conducted pursuant to this Part."
21

22 **PART IV. STUDY COMMISSION ON RESIDENTIAL AND URBAN**
23 **DEVELOPMENT ENCROACHMENT ON MILITARY BASES AND TRAINING**
24 **AREAS (Rand)**

25
26 **SECTION 4.1.** There is created the Study Commission on Residential and
27 Urban Development Encroachment on Military Bases and Training Areas. The
28 Commission shall consist of 17 members as follows:

- 29 (1) Two county commissioners appointed by the President Pro Tempore of
30 the Senate.
31 (2) Two county commissioners appointed by the Speaker of the House of
32 Representatives.
33 (3) The commanding generals of Fort Bragg, Pope Air Force Base,
34 Seymour Johnson Air Force Base, Camp Lejeune, and Cherry Point
35 Air Station, or the general's designee.
36 (4) Three Senators appointed by the President Pro Tempore of the Senate.
37 (5) Three Representatives appointed by the Speaker of the House of
38 Representatives.
39 (6) One elected or appointed municipal official appointed by the President
40 Pro Tempore of the Senate.
41 (7) One elected or appointed municipal official appointed by the Speaker
42 of the House of Representatives.

43 The Speaker of the House of Representatives shall appoint a cochair and the
44 President Pro Tempore of the Senate shall appoint a cochair for the Commission. The

1 Commission may meet at any time upon the joint call of the cochairs. Vacancies on the
2 Commission shall be filled by the same appointing authority as made the initial
3 appointment.

4 **SECTION 4.2.** The Commission shall study the following concerning
5 residential and urban development encroachment on military bases and training areas:

6 (1) Restricting the zoning in the areas around military bases and training
7 areas.

8 (2) How encroachment affects deed registration.

9 (3) Protecting the areas around military bases and training areas by
10 purchasing development rights and buffers using all available State
11 trust funds and other available funding mechanisms.

12 (4) Any other issue the Commission considers relevant.

13 **SECTION 4.3.** The Commission, while in the discharge of its official duties,
14 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through
15 G.S. 120-19.4. The Commission may contract for professional, clerical, or consultant
16 services as provided by G.S. 120-32.02.

17 Subject to the approval of the Legislative Services Commission, the
18 Commission may meet in the Legislative Building or the Legislative Office Building.
19 The Legislative Services Commission, through the Legislative Services Officer, shall
20 assign professional staff to assist the Commission in its work. The House of
21 Representatives' and the Senate's Supervisors of Clerks shall assign clerical support staff
22 to the Commission, and the expenses relating to the clerical employees shall be borne
23 by the Commission. Members of the Commission shall receive subsistence and travel
24 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

25 **SECTION 4.4.** The Commission shall submit a final report of its findings
26 and recommendations, including any legislative recommendations, to the 2005 General
27 Assembly upon its convening. The Commission shall terminate upon the convening of
28 the 2005 General Assembly.

29 **SECTION 4.5.** Of the funds appropriated to the General Assembly, the
30 Legislative Services Commission shall allocate funds for the expenses of the
31 Commission established by this Part.

32
33 **PART V. LEGISLATIVE STUDY COMMISSION ON STATE PERSONNEL**
34 **STATUTES (S.B. 1378 – Reeves)**

35
36 **SECTION 5.1.** The General Assembly shall study issues related to the State
37 Personnel Act. The Speaker of the House of Representatives and the President Pro
38 Tempore of the Senate shall designate an appropriate committee to conduct the study.
39 The Committee may make an interim report to the 2005 General Assembly and shall
40 make its final report to the 2006 Regular Session of the 2005 General Assembly.

41
42 **PART VI. ELECTRONIC RECORDATION AND REVISION OF NOTARY**
43 **LAWS (S.B. 1094–Berger)**

1 **SECTION 6.1.** The General Statutes Commission shall study the issue of
2 electronic recordation, specifically with regard to real property documents and other
3 documents filed with registers of deeds. The Commission shall study methods for
4 establishing uniform legal standards for the receipt, recordation, authentication,
5 preservation, and retrieval of electronic documents. The Commission shall include in its
6 study consideration of the Uniform Real Property Electronic Recordation Act drafted by
7 the National Conference of Commissioners on Uniform State Laws as well as other
8 resources on electronic recording standards from national organizations such as the
9 Property Records Industry Association (PRIA) and the Mortgage Industry Standards
10 Maintenance Organization (MISMO). The General Statutes Commission shall report its
11 findings and recommendations and any legislative proposals to the 2005 General
12 Assembly upon its convening.

13 **SECTION 6.2.** The Secretary of State shall study the issue of amending the
14 notary public laws in order to modernize and simplify their administration. The study
15 shall also address the issue of electronic notarization. The Secretary of State shall report
16 its findings and recommendations and any legislative proposals to the 2005 General
17 Assembly upon its convening.

18
19 **PART VII. UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION**
20 **ACT**

21
22 **SECTION 7.1.** The General Statutes Commission is directed to study the
23 Uniform Unincorporated Nonprofit Association Act in consultation with interested
24 parties and to report to the 2005 General Assembly on the Commission's
25 recommendations and legislative proposals.

26
27 **PART VIII. INNOVATIVE PEAT-BASED WASTEWATER SYSTEMS STUDY**

28
29 **SECTION 8.1.** The Commission for Health Services shall evaluate the
30 desirability and feasibility of developing and implementing a pilot program whereby
31 any individual seeking to use an innovative wastewater system, under
32 G.S. 130A-343(g), that employs peat-based technology, at the individual's residence
33 shall be required to use a wastewater system that satisfies all of the following:

- 34 (1) The peat-based wastewater system complies with Standard 40, a
35 standard developed by the National Sanitation Foundation, Inc. (NSF),
36 an independent testing and research organization.
37 (2) The peat-based wastewater system has a mandatory maintenance
38 agreement developed by the manufacturer of the system that is part of
39 the purchase contract for the system.

40 **SECTION 8.2.** As part of the evaluation required by Section 8.1 of this act,
41 the Commission shall identify two or more counties that would participate in the pilot
42 program.

43 **SECTION 8.3.** The Commission for Health Services shall report the results
44 of its evaluation to the Senate and House of Representatives Appropriations

1 Subcommittees on Natural and Economic Resources, the Fiscal Research Division, and
2 the Environmental Review Commission on or before January 15, 2005.

3
4 **PART IX. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE**

5
6 **SECTION 9.1.** The Joint Legislative Utility Review Committee may study
7 the economic, environmental, and social issues associated with the development and use
8 of renewable and alternative energy in the State including, but not limited to, the
9 following:

- 10 (1) The environmental benefits of renewable and alternative energy
11 development, including the reduction of: emissions such as sulfur
12 dioxides, nitrogen oxides, and mercury and greenhouse gases; waste
13 ash in landfills; and water and air quality degradation associated with
14 the extraction and transport of fossil fuels.
- 15 (2) The environmental benefits of conserving rural lands for traditional
16 uses.
- 17 (3) The environmental challenges to renewable and alternative energy
18 development in the State, including existing laws, aesthetic issues, the
19 impact on birds and the ecology, and secondary development
20 associated with alternate energy development.
- 21 (4) The potential for renewable and alternative energy to support rural
22 economic development by broadening the tax base and creating new
23 jobs.
- 24 (5) Initiatives taken in other states to address renewable and alternative
25 energy development.
- 26 (6) Options for permitting renewable and alternative energy in the State,
27 including suggestions for public involvement and environmental
28 review.
- 29 (7) Opportunities for renewable and alternative energy pilot projects in the
30 State.

31 In conducting the study, the Committee may solicit input from renewable and
32 alternative energy industry representatives, utility representatives, the State Energy
33 Office, conservationists, environmentalists, leaders in rural economic development,
34 tourism industry representatives, academics, local elected officials, and legislators from
35 the eastern and western regions of the State.

36
37 **PART X. NORTH CAROLINA BUILDING CODE COUNCIL STUDY (Queen)**

38
39 **SECTION 10.1.** The General Assembly finds that the affordability of
40 housing is an important issue and that the State should endeavor to ensure that State
41 regulation does not unnecessarily increase the cost of housing. To that end, the North
42 Carolina Building Code Council shall study the Residential Building Code to determine
43 which provisions, if any, are unnecessary, outdated, overly stringent, or otherwise
44 unduly increase the cost of housing.

1 **SECTION 10.2.** The Building Code Council may submit a report of the
2 findings of its study, including any recommendations for statutory changes, to the 2005
3 General Assembly upon its convening.

4
5 **PART XI. LOCAL SCHOOL CONSTRUCTION FINANCING STUDY**
6 **COMMISSION (S.B. 1372 – Clodfelter)**

7
8 **SECTION 11.1.** Establishment of the Commission. – The Local School
9 Construction Financing Study Commission is established.

10 **SECTION 11.2.** Membership. – The Commission shall be composed of 18
11 members, as follows:

- 12 (1) One member appointed by the Governor, after consultation with the
13 President Pro Tempore of the Senate and the Speaker of the House of
14 Representatives, who shall serve as chair;
- 15 (2) Eight members appointed by the President Pro Tempore of the Senate:
16 two members of the Senate from urban areas, two members of the
17 Senate from rural areas, one member representing a large,
18 fast-growing, urban school administrative unit that is a plaintiff in the
19 Leandro school-financing litigation, one member from the financial
20 services industry, one county commissioner, and one educator;
- 21 (3) Eight members appointed by the Speaker of the House of
22 Representatives: two members of the House of Representatives from
23 urban areas, two members of the House of Representatives from rural
24 areas, one member representing a rural school administrative unit that
25 is a plaintiff in the Leandro school-financing litigation, one member
26 who is knowledgeable about municipal and school finance, one school
27 board member, and one educator; and
- 28 (4) The State Treasurer or the Treasurer's designee.
29 Vacancies shall be filled by the appointing authority.

30 **SECTION 11.3.** Duties of the Commission. – The Commission shall
31 examine the present system of local financing for school facilities and shall study
32 alternative options for financing local school construction, renovation, repair, and
33 maintenance. The Commission may study and consider public-private partnerships for
34 school construction and facility ownership, sale lease-back arrangements, private and
35 commercial financing arrangements, design standards for school facilities that may
36 facilitate alternative financing techniques, alternative local revenue sources for
37 financing school facilities, the use of real estate investment trusts, State and local
38 construction bond pools, and any other financing issues deemed pertinent by the
39 Commission.

40 **SECTION 11.4.** Expenses of Members. – Members of the Commission shall
41 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
42 138-5, or 138-6, as appropriate.

43 **SECTION 11.5.** Consultants and Other Staff. – The Commission may hire
44 consultants to provide research, staff support, and information about school financing in

1 other states to the Commission, in accordance with G.S. 120-32.02. The Legislative
2 Services Office, with the prior approval of the Legislative Services Commission, shall
3 also assign professional and clerical staff to assist the Commission in its work.

4 **SECTION 11.6.** Cooperation by Government Agencies. – The Commission
5 may call upon any department, agency, institution, or officer of the State or any political
6 subdivision of the State for facilities, data, or other assistance. All State departments and
7 agencies, local governments, and their subdivisions shall cooperate with the
8 Commission and, upon request, shall furnish the Commission and its staff any
9 information in their possession or available to them.

10 **SECTION 11.7.** Meetings During Legislative Session. – The Commission
11 may meet during a regular or extra session of the General Assembly.

12 **SECTION 11.8.** Meeting Location. – The Legislative Services Commission
13 shall grant adequate meeting space to the Commission in the State Legislative Building
14 or the Legislative Office Building. The Commission may also meet at various locations
15 around the State in order to promote greater public participation in its deliberations.

16 **SECTION 11.9.** Reports. – The Commission shall make an interim report to
17 the 2005 General Assembly no later than January 31, 2005, and a final report to the
18 2006 Regular Session of the 2005 General Assembly no later than March 31, 2006. The
19 final report shall contain recommendations for legislation to implement
20 recommendations made by the Commission. The interim report may also contain
21 recommendations for legislation. The Commission shall terminate on March 31, 2006.

22 **SECTION 11.10.** Of the funds appropriated to the General Assembly, the
23 Legislative Services Commission shall allocate funds for the expenses of the
24 Commission established by this Part.

25 26 **PART XII. VOTER PAPER TRAIL STUDY (S.B. 1415 – Kinnaird, Lucas)**

27
28 **SECTION 12.1.** There is established the Electronic Voting Systems Study
29 Commission. That Commission shall consist of nine members to be appointed as
30 follows:

- 31 (1) Four members shall be appointed by the President Pro Tempore of the
32 Senate. One shall be a county commissioner. One shall be a county
33 election director. One shall be a citizen of North Carolina who does
34 not hold public office and who has been an active advocate on the
35 issue of prohibiting direct record voting equipment without
36 voter-verifiable paper records.
- 37 (2) Four members shall be appointed by the Speaker of the House of
38 Representatives. One shall be a member of the State Board of
39 Elections. One shall be a county election board member. One shall be
40 a person with expertise in computer security.
- 41 (3) The Executive Director of the State Board of Elections.

42 **SECTION 12.2.** The Electronic Voting Systems Study Commission shall
43 study the issue of whether direct record electronic (DRE) voting system should be
44 prohibited in North Carolina unless each unit of the system produces a voter-verifiable

1 paper record that is suitable for a recount or a manual audit and that is equivalent or
2 superior to the paper record produced by a paper ballot system.

3 In conducting the study, the Commission shall consider any input it deems
4 useful concerning DRE voting systems, concerning compliance with the Help America
5 Vote Act of 2002 (HAVA) and with voting-systems standards to be adopted under
6 HAVA, including that the procedure provides sufficient opportunity for access and
7 participation, including privacy and independence, to all voters regardless of disability.
8 The Commission shall consider any other issue related to the use of electronic voting
9 systems. The Commission shall make a final report to the 2005 General Assembly upon
10 its convening. The report shall contain the Commission's findings and
11 recommendations. The Commission shall terminate on the earlier of the filing of its
12 final report or the convening of the 2005 General Assembly.

13 **SECTION 12.3.** The Speaker of the House of Representatives and the
14 President Pro Tempore of the Senate shall each appoint a cochair for the Commission.
15 The Commission may contract for consultant services as provided by G.S. 120-32.02.
16 Upon approval by the Legislative Services Commission, the Legislative Services
17 Officer shall assign professional and clerical staff to assist in the work of the
18 Commission. Clerical staff shall be furnished to the Commission through the offices of
19 the House of Representatives and Senate Supervisor of Clerks. The Commission may
20 meet in the Legislative Building or the Legislative Office Building upon the approval of
21 the Legislative Services Commission. The Commission, while in discharge of official
22 duties, may exercise all the powers provided under the provisions of G.S. 120-19
23 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and
24 departments of the State to provide any information, data, or documents within their
25 possession, ascertainable from their records, or otherwise available to them, and the
26 power to subpoena witnesses. Members of the Commission shall receive per diem,
27 subsistence, and travel allowances at the rate established in G.S. 120-3.1, 138-5, or
28 138-6, as appropriate. Vacancies shall be filled by the appointing authority.

29 **SECTION 12.4.** Of the funds appropriated to the General Assembly, the
30 Legislative Services Commission shall allocate funds for the expenses of the
31 Commission established by this Part.

32
33 **PART XIII. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**
34 **STUDIES**

35
36 **SECTION 13.1.** The Joint Legislative Education Oversight Committee may
37 study the topics listed in this part and report its findings, together with any
38 recommended legislation, to the 2005 Regular Session of the 2005 General Assembly
39 upon its convening.

40 **SECTION 13.2.** Teacher assistant salary schedule– The Committee may
41 study establishing a salary schedule for teacher assistants.

42 **SECTION 13.3.** Rural schools (S.B.703 – Swindell, Holloman) – The
43 Committee may study the unique issues that concern the rural schools in this State.

1 **SECTION 13.4.** Physical restraints/seclusion in schools (S.B. 977 – Dorsett)
2 – The Committee may study the use of physical restraints and seclusion in public
3 schools.

4 **SECTION 13.5.** High school graduation rate incentives (S.B. 949 – Lucas) –
5 The Committee may study whether bonuses should be paid to principals for increased
6 graduation rates.

7 **SECTION 13.6.** At-risk students single funding stream (S.B. 954 – Lucas) –
8 The Committee may study whether a single funding stream should be targeted to at-risk
9 students.

10 **SECTION 13.7.** Close achievement gap (S.B. 599 – Lucas) – The
11 Committee may study the best practices and methodologies for closing the achievement
12 gap among children of various demographic groups who are performing below grade
13 level.

14 **SECTION 13.8.** E-textbooks for students – The Committee may study
15 issues related to the availability and use of electronic copies of textbooks for public
16 school students.

17 **SECTION 13.9.** Attracting teachers to become coaches (Nesbitt) – The
18 Committee may study the need to attract teachers into assuming additional duties of
19 coaching interscholastic athletic teams in middle and high schools. If it undertakes this
20 study, the Committee shall consider the feasibility of establishing a coaching fellowship
21 program to attract students preparing to enter teaching through higher education
22 coursework into coaching.

23 **SECTION 13.10.** Kindergarten admission requirements – The Committee
24 may study the issue of modifying kindergarten admission requirements as it relates to
25 student readiness to enter kindergarten.

26 **SECTION 13.11.** Update the job description for school counselors – The
27 Committee may study updating and clarifying the job description for public school
28 guidance counselors.

29 **SECTION 13.12.** Testing reform (Lucas, Apodaca) – The Committee may
30 study the State's testing program. If it undertakes this study, the Committee shall
31 consider:

- 32 (1) The number of tests currently mandated at the State level and the
33 process and cost of developing, validating, and scoring them.
- 34 (2) Whether the State should consider the use of nationally developed tests
35 as a substitute to State developed tests. In particular, the Committee
36 shall determine whether this use would: affect the ABCs Program;
37 adequately measure student achievement and performance; provide
38 more than minimum levels of achievement; provide a better
39 comparison to student achievement and performance in other states; be
40 practical for high school courses or higher level courses; reduce the
41 need for field testing; and offer any cost savings to the State.
- 42 (3) The number of grades in which State tests are given. The Committee
43 shall determine the necessity for testing all grades in third through
44 eighth grades, whether a reduction in the grades tested would affect the

- 1 receipt of federal money, and the extent to which a reduction would
2 impair the State's ability to identify schools under the ABCs Program.
- 3 (4) The high school courses for which State tests are given and whether
4 there is an appropriate distribution of tests across grades nine through
5 12 and that test an appropriate array of the minimum courses required
6 for admission to the constituent institutions of The University of North
7 Carolina. In addition, the Committee shall examine whether students
8 who take higher level courses and students in 12th grade are held
9 accountable for their academic growth and performance.
- 10 (5) The advantages and disadvantages of using a composite of
11 end-of-course tests or other tests such as the SAT, AP tests, or other
12 nationally standardized tests in high school rather than developing a
13 high school exit exam. If the Committee finds a high school exit exam
14 is preferable, then it shall determine whether it must be administered to
15 all students or limited to certain students, for example, those who do
16 not take the SAT or a certain number of courses for which there are
17 end-of-course tests.
- 18 (6) The extent to which additional testing, including field testing, practice
19 testing, and locally mandated testing, is occurring and whether this
20 should be limited or prohibited.
- 21 (7) Evaluate alternative schools to determine how educational
22 achievement is being advanced in these alternative school programs
23 and that placement in these programs is to improve student
24 performance rather than improve the performance of the school in
25 which the student originally was assigned.
- 26 (8) The number of school days that are spent on testing.
- 27 (9) Any other issue the Committee considers relevant.

28 **SECTION 13.13.** Total Teacher Program – The Committee may study the
29 Total Teacher Program, which is an instructional program designed to be used with the
30 North Carolina public school curriculum. In the course of the study, the Committee
31 may consider the effectiveness of the Program, the experience of schools in other states
32 in using the Program, the cost and potential cost savings due to the Program, and other
33 matters related to the Program.

34 **SECTION 13.14.** School construction (Garrou) – The Committee may study
35 issues relating to school construction and school capacity.

36 **SECTION 13.15.** Computer-based math and literacy programs for children
37 under age 6 – The Committee may study ways to improve math and literacy skills in
38 children age 18 months to six years of age through the use of innovative computer based
39 software.

40 **SECTION 13.16.** Appropriate education for students on long-term
41 suspension – The Committee may study whether and to what extent North Carolina
42 should mandate the following:

- 1 (1) Local school administrative units in North Carolina shall provide or
2 cause to be provided an appropriate education for all students
3 recommended for a long-term suspension.
- 4 (2) Each student recommended for long-term suspension shall receive a
5 multidisciplinary assessment and evaluation to (i) ascertain his or her
6 educational history, needs, and special learning problems and (ii)
7 assess the risk the child poses to staff and other students. The
8 assessment and evaluation shall include feedback and
9 recommendations from local mental health and juvenile justice
10 professionals.
- 11 (3) An individualized education and service plan shall be developed for all
12 students recommended for long-term suspension by a committee that
13 includes education, mental health, and juvenile justice professionals,
14 the child's parent or guardian, and any other person the committee
15 considers appropriate. The chair of the Juvenile Crime Prevention
16 Council or a designee shall serve as chair of this committee.
- 17 (4) All efforts shall be made to reduce the risk the child poses to staff and
18 other students and to allow the child to continue his or her education in
19 his or her regular school without disruption. These efforts shall include
20 the provision of related services and interventions from other agencies
21 when considered necessary by the committee.
- 22 (5) During the first 10 days of suspension, the local school administrative
23 unit shall place the student recommended for suspension in a
24 diagnostic setting for purposes of ensuring there is no disruption to the
25 student's education and to complete the assessment process.
- 26 (6) The local education agency shall contract with private or public
27 agencies if an appropriate education cannot be provided within the
28 school system. Funds appropriated to a local school administrative unit
29 for the education of the child shall be used to pay for the program in
30 which the child is placed.
- 31 (7) The child's parent or guardian shall have the right to appeal the
32 recommendation for the long-term suspension or any placement
33 decision made by the local school administrative unit.
- 34 (8) No child shall be rejected for education and services by a local school
35 administrative unit unless a district court judge places the child in a
36 juvenile justice program or facility. In that circumstance, the
37 Department of Juvenile Justice and Delinquency Prevention is
38 responsible for providing the child's education.

39 **SECTION 13.17.** School nutrition/physical activity – The Committee may
40 study school nutrition and opportunities for physical activity to keep children healthy.

41
42 **PART XIV. REVENUE LAWS STUDY COMMITTEE**
43

1 **SECTION 14.1.** The Revenue Laws Study Committee may study the topics
2 listed in this part and report its findings, together with any recommended legislation, to
3 the 2005 General Assembly upon its convening.

4 **SECTION 14.2.** Valuation of Lots in Subdivisions (S.B. 520 – Dalton) –
5 The Committee may study the valuation of partially improved, undeveloped lots in
6 subdivisions.

7 **SECTION 14.3.** Private Activity Bonds (Rand) – The Committee may study
8 private activity bonds.

9 **SECTION 14.4.** Conform Bank Expense Deduction – The Committee may
10 study whether the State income tax on banks should be conformed to the federal income
11 tax.

12 **SECTION 14.5.** Subsidiary Dividend Taxes – The Committee may study
13 whether the expense attribution law as it applies to deductible dividends should be
14 modified.

15 **SECTION 14.6.** Income Tax Derived From Manufacturing – The
16 Committee may study whether income derived from manufacturing should be exempt
17 from income taxation.

18 **SECTION 14.7.** Tax Foreclosures – The Property Tax Subcommittee of the
19 Revenue Laws Study Committee may study the issue of foreclosures on tax liens,
20 including proposals for expediting the foreclosure action.

21 **SECTION 14.8.** Comparative Tax Burden – The Committee may study the
22 comparative tax burden on residents of South Carolina and residents of North Carolina.

23 **SECTION 14.9.** Tax Incentives to Promote Preservation of Open Spaces
24 (S.B. 950 – Lucas) – The Committee may study whether tax incentives should be
25 provided to promote the preservation of open spaces.

26 **SECTION 14.10.** Sales and Use Tax Exemption (Kerr) – The Committee
27 may study the issue of allowing local school administrative units a sales and use tax
28 exemption instead of a sales and use tax refund and methods to fund this change.

29 **SECTION 14.11.** Tax Preferences – The Committee may study whether tax
30 expenditures should be reviewed at least once every 10 years.

31 **SECTION 14.12.** Reduce Utility Equipment Sales Tax – The Committee
32 may study whether light construction equipment should be given preferential sales and
33 use tax treatment.

34 **SECTION 14.13.** Business Taxation (S.B. 1330 – Clodfelter) – The
35 Committee may study comprehensive reform and simplification of the existing State
36 taxes on business entities, including corporations, limited liability companies,
37 partnerships, business trusts, associations, and other entities engaged in business. The
38 elements of the plan to be studied shall include the following:

- 39 (1) Repealing the corporate income tax, Part 1 of Article 4 of Chapter 105
40 of the General Statutes.
- 41 (2) Including all types of business entities under a revised form of the
42 franchise tax, Article 3 of Chapter 105 of the General Statutes.
- 43 (3) Limiting the annual filing fee for all business entities to the amount of
44 the filing fee for corporations.

- 1 (4) Revising the current franchise tax to include two components, an
2 assessment based on asset values and an assessment based on gross
3 income or receipts from business activities.
- 4 (5) The revised franchise tax would be calculated and applied on a
5 consolidated basis for members of a related or affiliated group of
6 business entities, allocated and apportioned to this State using existing
7 formulas for allocating and apportioning corporate income.
- 8 (6) The tax rates to be applied to these components would be the rates that
9 are determined to yield revenue equal to the current combined revenue
10 from corporate income and franchise taxes.
- 11 (7) The Department of Revenue would annually review the revenue
12 generated by the new simplified tax to determine if rate adjustments
13 are necessary to preserve the revenue-neutrality of the simplification.
- 14 (8) Any other issues or elements the Study Committee considers
15 appropriate.

16 **SECTION 14.14.** Tax Credits for Certain Real Property Donations (S.B.
17 1214 – Clodfelter) – The Committee may study real property donation tax credits,
18 including the credits specified in G.S. 105-130.34 and G.S. 105-151.12. The study may
19 address the following issues:

- 20 (1) The coordination between the Department of Environment and Natural
21 Resources and the Department of Revenue in administering the credits.
- 22 (2) The criteria by which the Department of Environment and Natural
23 Resources determines whether a donation provides public benefits.
- 24 (3) The integrity of appraisals submitted by donors and procedures for
25 preventing abuse of the credits.
- 26 (4) Qualifications and certifications of the government and nonprofit
27 agencies that receive the donations.
- 28 (5) Long-term stewardship of conservation easements.
- 29 (6) Rising land prices and the effect of the credit caps on the amount of
30 credit that can be claimed.
- 31 (7) Options for carryforward, refundability, and transfer of the credits.
- 32 (8) Any other issues the Committee considers relevant to tax incentives
33 for encouraging farmers, landowners, and developers to conserve land.

34 As a part of this study, the Committee shall consult with the Farm Bureau, the
35 Executive Director of the Clean Water Management Trust Fund, the Executive Director
36 of the Wildlife Resources Commission, the Secretary of the Department of Environment
37 and Natural Resources or his designee, the Conservation Fund, and Sustainable North
38 Carolina.

39 **SECTION 14.15.** Travel and Tourism Capital Investment – The
40 Commission shall study the establishment of a Travel and Tourism Capital Investment
41 Program in the Department of Commerce.
42

43 **PART XV. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT**
44 **COMMITTEE**

1
2 **SECTION 15.1.** The Joint Legislative Health Care Oversight Committee
3 may study the topics listed in this part and report its findings, together with any
4 recommended legislation, to the 2005 General Assembly upon its convening.

5 **SECTION 15.2.** Benefits for State Employee Dependents (Rand) – The
6 Committee may study alternative benefit plans for dependents of State employees.

7 **SECTION 15.3.** Consolidation of State Health Care Services (Rand) – The
8 Committee may study whether a State entity should be established to purchase health
9 care services provided with State funds and to administer data consolidation and claims
10 processing systems in order to enhance quality of care, promote cost containment, and
11 achieve administrative efficiency and effectiveness in the system of services provided
12 by the State.

13
14 **PART XVI. STUDY OF VARIOUS WAYS TO PROMOTE GOVERNMENT**
15 **EFFICIENCY AND SAVINGS IN STATE SPENDING (Rand)**

16
17 **SECTION 16.1.** The University of North Carolina (through the Office of the
18 President), the Judicial Branch (through the Administrative Office of the Courts), the
19 Executive Branch (through the Department of Administration), the Legislative Branch
20 (through the Legislative Services Office), the Community College System (through the
21 President's Office), and the Department of Public Instruction shall jointly study various
22 ways to promote government efficiency and savings on State spending, including the
23 following proposals:

- 24 (1) Consolidate Administrative Functions (S.B. 805, S.B. 808 – Rand)
25 (2) Statewide Benefit Committee Established
26 (3) DMV-NCDL/Registration Extensions (S.B. 804 – Rand)
27 (4) Combine State Safety Programs (S.B. 807 – Rand)
28 (5) Increase Use of Public Defenders (S.B. 810 – Rand)
29 (6) Controller's Fee – (S.B. 813 – Rand)
30 (7) Deferred Retirement Option Program (S.B. 817 – Rand)

31 **SECTION 16.2.** The Department of Administration shall report the results
32 of this study to the Legislative Research Commission by January 15, 2005.

33
34 **PART XVII. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT**
35 **COMMITTEE STUDIES**

36
37 **SECTION 17.1.** The Joint Legislative Transportation Oversight Committee
38 may study the topics listed in this part and report its findings, together with any
39 recommended legislation, to the 2005 General Assembly upon its convening.

40 **SECTION 17.2.** I-95 Tolls (Rand) – The Committee may study the
41 feasibility of establishing tolls on Interstate 95 from the South Carolina to Virginia
42 borders.

1 **SECTION 17.3.** Alternative Fuels – The Committee may study the use,
2 availability, benefits, and disadvantages of alternative fuels. The study may include
3 consideration of the following issues:

- 4 (1) The existence and availability of federal grants or other incentive
5 programs for alternative fuels and alternative fuel vehicles and the
6 impact of these programs on the need or desirability for a State
7 program.
8 (2) The impact of increased alternative fuel vehicle use on the collection
9 of motor fuel taxes and highway use taxes and whether the taxation of
10 alternative fuels or vehicles using nonliquid or hybrid fuels needs to be
11 modified.

12 **SECTION 17.4.** Comprehensive Transportation Issues (S.B. 1015 – Berger)
13 – The Committee may study all aspects of transportation, including planning and
14 scheduling of projects, legislative and executive oversight, revenues, funding, and
15 expenditures of the Highway Fund, the Highway Trust Fund, and Federal Aid programs
16 for transportation. The study shall include an examination of all the following:

- 17 (1) The effectiveness of legislative oversight of the Department of
18 Transportation and all other transportation-related programs in North
19 Carolina.
20 (2) The gap between transportation funding structures and the actual
21 transportation needs of the State.
22 (3) Historical and projected application of funds within the several
23 transportation funding sources.
24 (4) Deficiencies in matching funding and expenditures between the
25 several Funds.
26 (5) Economic feasibility of alternate transportation modes, including
27 cost/benefit comparisons of planning, construction, and operation of
28 alternate transportation programs.
29 (6) Alternative methods of funding, financing, and planning transportation
30 construction, maintenance, and operations.
31 (7) Delivery of construction and maintenance projects, including
32 alternative management structures, outsourcing, and privatization.
33 (8) Any other issue related to transportation, transportation funding,
34 project planning, and management of transportation programs.
35

36 **PART XVIII. STUDY FINANCING OF MENTAL HEALTH,**
37 **DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES**
38

39 **SECTION 18.1.** The Department of Health and Human Services shall study
40 the financing of mental health, developmental disabilities, and substance abuse services.
41 The study shall include the following:

- 42 (1) An examination of all sources of funds used in the delivery of mental
43 health, developmental disabilities, and substance abuse services
44 throughout the Department.

1 (2) An examination of alternative financing mechanisms for funding
2 mental health, developmental disabilities, and substance abuse
3 services, including Medicaid.

4 (3) Recommendations for feasible alternative financing mechanisms.

5 The Department shall report its findings and recommendations to the Legislative
6 Oversight Committee on Mental Health, Developmental Disabilities, and Substance
7 Abuse Services, the House of Representatives Appropriations Subcommittee on Health
8 and Human Services, the Senate Appropriations Committee on Health and Human
9 Services, and the Fiscal Research Division no later than July 1, 2005.

10
11 **PART XIX. ENVIRONMENTAL REVIEW COMMISSION STUDIES**

12
13 **SECTION 19.1.** The Environmental Review Commission may study the
14 topics listed in this part and report its findings, together with any recommended
15 legislation, to the 2005 General Assembly upon its convening.

16 **SECTION 19.2.** Effectiveness of Environmental Programs – The
17 Commission may study the overall effectiveness of the State's efforts to protect the
18 environment and conserve the natural resources of North Carolina. This study should
19 include a comprehensive evaluation of the implementation of existing legal mandates
20 and of the organizational structure of the Department of Environment and Natural
21 Resources. This study should also consider:

22 (1) The adequacy of current funding levels, additional funding needs, and
23 funding options, including increasing fees to cover the cost of
24 permitting, inspections, and enforcement.

25 (2) Options to improve efficiency and reduce costs, including the
26 consolidation of permitting, inspection, and enforcement functions.

27 (3) The adequacy of current staffing levels.

28 (4) Options to improve coordination among programs.

29 (5) The adequacy of current inspection and enforcement activities and
30 options to improve compliance with environmental laws and rules,
31 including improvements in the use of civil penalties.

32 **SECTION 19.3.** Plan to Share Floodplain Mapping Information – The
33 Commission may study whether the information compiled on a regular basis by the
34 Statewide Floodplain Mapping Unit would be useful and relevant to dam operators,
35 local agencies, and State agencies with regard to making decisions about coordinating
36 and controlling water releases from dams, flood control, floodplain management, and
37 emergency evacuation procedures. If it undertakes this study, the Commission may
38 consider the type of information compiled by the Statewide Floodplain Mapping Unit
39 and the value of that information in assisting with decisions regarding flood control
40 techniques, floodplain management, and the time, frequency, and manner of water
41 releases from dams. The Commission may also consider the feasibility of making that
42 information readily available to dam operators, appropriate local agencies, and
43 appropriate State agencies. The Commission may also consider whether it is appropriate
44 to incorporate the information available from the Statewide Floodplain Mapping Unit

1 into local emergency management plans and downstream inundation maps. The
2 Commission may also study any other issues relevant to this topic.

3 **SECTION 19.4.** Water Restriction Guidelines – The Commission may study
4 water restriction guidelines created by the Department of Environment and Natural
5 Resources and implemented by local governments. If it undertakes this study, the
6 Commission shall consider the State's role and authority to regulate water usage during
7 times of drought conditions and shall also consider:

8 (1) The economic impact of water conservation measures.

9 (2) The balance between protecting water supply and economic impact on
10 local communities.

11 (3) Recommendations on establishing consistency across the State with
12 respect to classes of water use, specifically the use of the terms
13 essential and nonessential use.

14 **SECTION 19.5.** Regional Water Supplies (S.B. 1409 – Shaw) – The
15 Commission may study the issue of the development and funding of regional water
16 supply systems.

17 **SECTION 19.6.** Clean Air Trust Fund – The Commission may study
18 establishing a Clean Air Trust Fund.

19 **SECTION 19.7.** Fair Bargain Act (S.B. 878 – Horton) – The Commission
20 May study evocation of contracts under certain circumstances.

21 **SECTION 19.8.** Deterrents to Stormwater Runoff (Horton) – The
22 Commission may study the feasibility of encouraging permeable surfaces as a deterrent
23 to stormwater runoff.

24 **SECTION 19.9.** Protecting Property Owners Adjacent to Activities for
25 which a Stormwater Permit is Issued (S.B. 888 – Rucho) – The Commission may study
26 ways to protect a property owner whose land is adjacent to or downstream from a site
27 on which alterations of the existing flow of stormwater will occur.

28 **SECTION 19.10.** Highway Use Tax Based on Efficiency/Vehicle
29 Registration Based on Vehicle Miles Traveled (S.B. 1374 – Clodfelter) – The
30 Commission shall study both of the following:

31 (1) Whether the State should modify the current highway use tax so that
32 all or a portion of the highway use tax paid on a private passenger
33 vehicle is based on the fuel efficiency rating of the vehicle.

34 (2) Whether the State should modify the current vehicle registration fee so
35 that all or a portion of the annual vehicle registration renewal fee for a
36 passenger vehicle is based on the vehicle miles traveled by the vehicle.

37 In its conduct of these studies, the Commission shall consider whether the
38 modifications studied under subsection (a) of this section should be made on a
39 revenue-neutral basis or should be made so as to generate additional revenue to be used
40 to fund initiatives designed to improve air quality and the efficiency of the
41 transportation system in the State.

42 **SECTION 19.11.** State Parks and Recreations Areas (S.B. 1270 – Kinnaird)
43 The Commission may study the addition of the Lower Haw River State Natural Area to

1 the State Parks system and the establishment of a State Recreation Area at Blewett Falls
2 Lake.

3
4 **PART XX. HIGHWAY TRUST FUND STUDY COMMITTEE EXTENDED**

5
6 **SECTION 20.1.** Section 29.12 of S.L. 2003-284 reads as rewritten:

7 "SECTION 29.12.(k) Report. – The Study Committee may make interim reports
8 and shall make a final report to the Joint Legislative Transportation Oversight
9 Committee no later than ~~November 1, 2004.~~ January 31, 2005. Regardless of whether it
10 has filed an interim or final report, the Committee shall terminate on ~~November 1,~~
11 2004. January 31, 2005."

12
13 **PART XXI. DEPARTMENT OF ADMINISTRATION STUDY (Nesbitt)**

14
15 **SECTION 21.1.** The Department of Administration may study retainage
16 from payment on public construction projects. If it undertakes this study, the
17 Department shall consider the following:

- 18 (1) Retainage by public owners from payment to contractors and retainage
19 by those contractors from payment to subcontractors.
- 20 (2) Retainage from periodic progress payments and final payment,
21 including a maximum allowable amount of retainage.
- 22 (3) A time certain for the owner's release of retainage, based upon the
23 owner's occupancy, substantial completion of the work, or the owner's
24 use of the improvements for the purposes intended.
- 25 (4) A time certain for the contractor's release of retainage to a
26 subcontractor, based upon the contractor's receipt of retainage.
- 27 (5) Conditions permitting withholding of retention beyond the date of
28 release, including those stated in G.S. 143-134.1(d), and limits on the
29 amount of retainage for a condition permitting withholding.
- 30 (6) Interest on wrongfully withheld retainage and conditions for the
31 payment of attorneys' fees for the collection of wrongfully withheld
32 retainage.
- 33 (7) Line-item release of retainage, based upon a schedule of values, for
34 specific work that has been completed by the contractor and approved
35 by the owner.
- 36 (8) Any other matters relating to the withholding and release of retainage
37 on public construction projects.

38 **SECTION 21.2.** The Department shall report the results of its study to the
39 2005 General Assembly upon its convening.

40
41 **PART XXII. UNC BOARD OF GOVERNORS STUDY COMMISSION**

42
43 **SECTION 22.1.** There is created the UNC Board of Governors Study
44 Commission. The Commission shall consist of 10 members appointed as follows: five

1 by the President Pro Tempore of the Senate and five by the Speakers of the House of
2 Representatives. The Speakers of the House of Representatives shall appoint a cochair
3 and the President Pro Tempore of the Senate shall appoint a cochair for the
4 Commission. Vacancies on the Commission shall be filled by the appointing authority.
5 The Commission shall meet upon the call of the chairs. A majority of the members of
6 the Commission shall constitute a quorum.

7 **SECTION 22.2.** The Commission shall study the method of election or
8 appointment of members of the Board of Governors, the length of members' terms, the
9 number of terms a member may serve, and the size of the Board of Governors. As part
10 of the study, the Commission may examine the governing boards of other states'
11 institutions of higher education. The Commission shall report its findings and any
12 recommendations to the 2005 Regular Session of the General Assembly.

13 **SECTION 22.3.** Members of the Commission shall receive per diem,
14 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
15 appropriate.

16 **SECTION 22.4.** Subject to the approval of the Legislative Services
17 Commission, the Commission may meet in the State Legislative Building or the
18 Legislative Office Building. The Legislative Services Commission, through the
19 Legislative Services Officer, shall assign professional staff to assist in the work of the
20 Commission. The House of Representatives' and the Senate's Supervisors of Clerks
21 shall assign clerical staff to the Commission, and the expenses relating to the clerical
22 employees shall be borne by the Commission. All State departments and agencies and
23 local governments and their subdivisions shall furnish the Commission with information
24 in their possession or available to them. Of the funds appropriated to the General
25 Assembly, the Legislative Services Commission shall allocate funds for the expenses of
26 the Commission established by this part.

27 **SECTION 22.5.** The Commission shall terminate upon the filing of its final
28 report.

29 **PART XXIII. NORTH CAROLINA STUDY COMMISSION ON AGING STUDY**

30
31
32 **SECTION 23.1.** The North Carolina Study Commission on Aging may
33 study the topic listed in this part and report its findings, together with any recommended
34 legislation, to the 2005 General Assembly upon its convening.

35 **SECTION 23.2.** Long-term care remediation (S.B. 206 – Swindell, Purcell)
36 – The Commission may study the feasibility of implementing a remediation program for
37 long-term care facilities in this State that is similar to the Collaborative Remediation
38 Project in Michigan.

39 **SECTION 23.3.** Mentally ill long-term care residents (S.B. 1150 –
40 Swindell) – The Commission may study issues related to mentally ill residents in
41 long-term care facilities.

1 **PART XXIV. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON**
2 **MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE**
3 **ABUSE SERVICES STUDIES**

4
5 **SECTION 24.1.** The Joint Legislative Oversight Committee on Mental
6 Health, Developmental Disabilities, and Substance Abuse Services may study the topics
7 listed in this part and report its findings, together with any recommended legislation, to
8 the 2005 General Assembly upon its convening.

9 **SECTION 24.2.** Integration of care for children with multiple system
10 service needs (S.B. 262 – Foxx, Allran, Dannelly, Lucas, Purcell) – The Committee
11 shall conduct a comprehensive review of the State's system of care for children with
12 multiple system service needs. The purpose of the comprehensive review is to
13 determine the extent to which children who need services from multiple State and local
14 agencies in this system are or are not receiving those services in a timely manner, the
15 effectiveness of the services provided, the potential long-term impact on the children,
16 their families, and State and local resources of not providing all services in a timely and
17 cost-effective manner, and to make detailed recommendations on the system changes
18 necessary to address the problems identified as quickly as possible. Recommendations
19 on system changes shall include programmatic and funding changes, and an analysis
20 and estimate of implementation costs and projected cost-savings to the State in future
21 years. In order to ensure a dedicated focus and appropriate expertise for the
22 comprehensive review, the Committee shall convene a task force to conduct the review.
23 The task force shall be comprised of the cochairs of the Oversight Committee, the Joint
24 Legislative Education Oversight Committee, the Joint Legislative Corrections, Crime
25 Control, and Juvenile Justice Oversight Committee, the Joint Legislative Health Care
26 Oversight Committee, and other individuals appointed by the cochairs of the Oversight
27 Committee upon recommendation of the other members of the task force.

28 In conducting its review, the task force shall consider thoroughly all of the
29 following:

- 30 (1) State-of-the-art approaches to services to children with multiple
31 system service needs as the basis of reform in North Carolina.
- 32 (2) Evidence-based best practices in North Carolina and elsewhere for
33 potential systemwide adoption.
- 34 (3) Barriers to access for developing a uniform access process to
35 implement a "no wrong door" policy such that children and families
36 may enter any service access point but will be afforded seamless
37 access to all necessary services.
- 38 (4) Initiatives taken or under consideration in other states to ensure a
39 unified approach to system services, including the feasibility of
40 establishing a funding consortium for pooling resources of all involved
41 agencies in order to streamline access to the system by children and
42 involvement in the system by service providers.

- 1 (5) Ways to improve the multidisciplinary identification and evaluation of
2 children's multiple service needs and the communication of those
3 needs to all appropriate service providers.
- 4 (6) The extent to which children currently in the juvenile justice system
5 have not received adequate and appropriate educational, mental health,
6 or other health services, and the reasons why the children have not
7 been adequately served.
- 8 (7) Information from the Department of Public Instruction and other
9 organizations showing the number of children who have been
10 suspended or expelled from public school, the reasons for the
11 suspension or expulsion, the number of these children who have
12 received alternative placements to ensure that they are being
13 adequately and appropriately served by State and local service
14 systems.
- 15 (8) Necessary changes to North Carolina service systems involving mental
16 health, developmental disabilities, and substance abuse services, social
17 services, education services, juvenile justice, and other related service
18 systems that will enable these systems to work together to ensure
19 effective and timely access to services for children and their families.

20 The Oversight Committee, subject to the provisions of G.S. 120-32.02, may
21 hire a consultant to assist the task force in its comprehensive review. The Oversight
22 Committee shall establish interim and final reporting time lines for the consultant's
23 findings and recommendations, and, subject to the requirements of this section, for
24 meetings and reports of the task force.

25 **SECTION 24.3.** Mental health in prisons – The Committee may study the
26 incidence of mental illness and substance abuse problems among inmates in the North
27 Carolina prison and juvenile justice systems.

28
29 **PART XXV. JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND**
30 **AQUACULTURE STUDY**

31
32 **SECTION 25.1.** The Joint Legislative Commission on Seafood and
33 Aquaculture may study whether it should be unlawful to take shrimp with trawl nets in
34 certain inland waters. The Commission may report the results of its findings, together
35 with any recommended legislation, to the 2005 General Assembly upon its convening.

36
37 **PART XXVI. ADMINISTRATIVE OFFICE OF THE COURTS/DEPARTMENT**
38 **OF CORRECTION STUDY**

39
40 **SECTION 26.1.** The Administrative Office of the Courts and the
41 Department of Correction shall jointly study the processes for the collection and
42 payment of restitution in this State, and shall determine methods for reducing the
43 number of restitution payments that go unclaimed. The Administrative Office of the

1 Courts and the Department of Correction shall report their findings and
2 recommendations to the 2005 General Assembly upon its convening.

3
4 **PART XXVII. MARINE FISHERIES COMMISSION STUDY OF SHELLFISH**
5 **CULTIVATION LEASES (S.B. 1071 – Albertson)**

6
7 **SECTION 27.1.** The Marine Fisheries Commission may study whether and
8 how to establish a process by which shellfish cultivation leases that are terminated
9 pursuant to G.S. 113-202(1) may be leased to an applicant for a shellfish cultivation
10 lease without the leasehold reverting to public bottom. If the Commission conducts a
11 study pursuant to this section, it shall report its findings, recommendations, and
12 legislative proposals, if any, to the Joint Legislative Commission on Seafood and
13 Aquaculture no later than December 1, 2004.

14 **SECTION 27.2.** The Marine Fisheries Commission may study issues related
15 to the corporate ownership of shellfish cultivation leases. If the Commission conducts a
16 study pursuant to this section, it shall report its findings, recommendations, and
17 legislative proposals, if any, to the Joint Legislative Commission on Seafood and
18 Aquaculture no later than December 1, 2004.

19
20 **PART XXVIII. OFFICE OF STATE BUDGET AND MANAGEMENT STUDY**

21
22 **SECTION 28.1.** The Office of State Budget and Management shall conduct
23 an analysis of the structure and operation of the Department of Public Instruction. The
24 analysis shall identify potential efficiencies and savings in the operation of the
25 Department. The analysis may consider consolidation of functions with other agencies
26 and automation of functions.

27 **SECTION 28.2.** The Office of State Budget and Management shall report its
28 findings to the State Board of Education. The Office of State Budget and Management
29 and the State Board of Education shall jointly report to the Joint Legislative Education
30 Oversight Committee by January 15, 2005, on the results of the analysis.

31
32 **PART XXIX. UNC BOARD OF GOVERNORS STUDY FEASIBILITY OF**
33 **FORGIVENESS OF STUDENT DEBT PROGRAM**

34
35 **SECTION 29.1.** The Board of Governors of The University of North
36 Carolina, in conjunction with the North Carolina State Education Assistance Authority,
37 may study the feasibility of a program that would forgive student indebtedness for
38 teachers who have continuing certification in and are teaching in the disciplines of
39 mathematics, science, or special education. The Board shall report the results of its
40 study to the Joint Legislative Education Oversight Committee by January 15, 2005.

41
42 **PART XXX. STATE BOARD TEACHER RETENTION TASK FORCE**
43

1 **SECTION 30.1.** The State Board of Education shall form a Task Force
2 cochaired by the State Board of Education Chairman or designee and the Lt. Governor
3 or designee to study issues related to effective recruitment and retention of teachers for
4 the North Carolina public schools. The Task Force shall include practicing public
5 school teachers, principals, superintendents, local boards of education, and
6 representatives from the University System, the Community College System, and others
7 as deemed appropriate by the cochairs. In the course of this study, the State Board of
8 Education shall consider:

9 (1) Impediments to effective teacher recruitment and retention;

10 (2) Strategies for increasing the effectiveness or recruitment and retention
11 efforts;

12 a. Modifications to teacher salaries and benefits that will ensure
13 that teacher compensation in North Carolina remains at or
14 above the national average, thereby better enabling the public
15 schools to recruit and retain highly qualified teachers. The State
16 Board may consider:

17 1. Increased salaries for beginning teachers to make the
18 profession more attractive at the entry level;

19 2. Increased salaries for teachers at those points at which
20 higher numbers of teachers leave the teaching
21 profession;

22 3. Retirement options for teachers with 30 years of
23 experience that will provide opportunities for those
24 highly skilled and experienced teachers to continue in
25 service;

26 4. Differentiated salary opportunities for teachers who
27 demonstrate exemplary teaching skills, work in certain
28 areas of certification, work in hard-to-staff schools, or
29 serve as mentors, school improvement team leaders, or
30 serve as leaders in a Quality Teacher as Leader Program;

31 5. Other modifications to teacher salaries and benefits
32 necessary to recruit and retain highly qualified teachers
33 in the public schools.

34 b. Tax incentives to encourage experienced teachers to remain in
35 the teaching profession;

36 c. Locally designed initiatives to facilitate teacher recruitment and
37 retention;

38 d. Strategies for increasing the number of highly qualified
39 beginning teachers such as:

40 1. Expanding teacher preparation programs;

41 2. Expanding scholarship loan programs for prospective
42 teachers to recruit the most qualified high school
43 students to the teaching profession; and

1 3. Ensuring that graduates of teacher preparation programs
2 are well prepared to meet teacher-certification
3 requirements.

4 e. Strategies for giving beginning teachers the opportunity to
5 develop into skilled professionals such as assigning them to
6 teach only in their area of certification and minimizing their
7 noninstructional duties;

8 f. Strategies for ensuring that school-based administrators are
9 adequately trained to provide support for both experienced and
10 inexperienced teachers and that they provide that support;

11 g. Strategies for ensuring that teachers are treated respectfully by
12 students, such as a Teachers' Bill of Rights;

13 h. Increased expectations regarding parental involvement in and
14 support of their children's education;

15 i. The availability of communications devices in the classroom;

16 j. Strategies for a Quality Teacher as Leader Program as a career
17 option that compensates teachers for accomplished teaching and
18 values teachers as leaders; and

19 k. Strategies for ensuring that schools are staffed appropriately
20 and teachers have the time necessary to meet the State, federal
21 and local demands for quality teaching and learning
22 environments.

23 **SECTION 30.2.** The State Board of Education shall report its findings and
24 recommendations to the Joint Legislative Education Oversight Committee prior to
25 February 15, 2005. These recommendations may include changes to laws and policies.

26 **SECTION 30.3.** The Department of Public Instruction shall provide staff to
27 support the work of the Task Force upon the request of the cochairs or staff and
28 consultants may be hired from funds designated to support the work of the Task Force.

29 **SECTION 30.4.** The State Board of Education shall use federal funds to
30 support the work of the Task Force.

31
32 **PART XXXI. JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL,**
33 **AND JUVENILE JUSTICE OVERSIGHT COMMITTEE (S.B. 1014 – Berger)**

34
35 **SECTION 31.1.** The Joint Legislative Corrections, Crime Control, and
36 Juvenile Justice Oversight Committee may study the confinement of inmates who are
37 irreversibly, physically incapacitated due to chronic illness or disability. The
38 Committee's study may include, but is not limited to, a review of current policies, a
39 calculation of potential population figures and medical care costs, a determination of
40 possible alternatives to incarceration and accompanying costs, and a consideration of
41 procedures for termination or commutation of sentences.

42 **SECTION 31.2.** The Committee shall report its findings and
43 recommendations, including any proposed legislation, no later than the convening of the
44 2005 General Assembly.

1
2 **PART XXXII. AGRICULTURE AND FORESTRY AWARENESS STUDY**
3 **COMMISSION STUDIES**
4

5 **SECTION 32.1.** The Agriculture and Forestry Awareness Study
6 Commission may study the topics listed in this part and report its findings, together with
7 any recommended legislation, to the 2005 General Assembly upon its convening.

8 **SECTION 32.2.** Agriculture Commodity Incentives (Albertson) – The
9 Commission may study the possibility of establishing incentive programs to benefit
10 firms purchasing additional large quantities of North Carolina farm commodity products
11 when an overabundance of a specific commodity is designated by the State Department
12 of Agriculture and Consumer Services to be available for sale.

13 **SECTION 32.3.** Food Safety and Security (S.B. 834 – Albertson) – The
14 Commission may study ways to protect the State's food supply system and the
15 agricultural industry base.

16 **SECTION 32.4.** Dairy Industry (Albertson; Rand) – The Commission shall
17 study the condition of the dairy industry in the State. As a part of its study, the
18 Commission shall examine:

- 19 (1) The short-term and long-term problems associated with maintaining a
20 viable dairy industry and supplying the needed quantity of milk in the
21 State.
- 22 (2) Ways to sustain the existing dairy industry in the State.
- 23 (3) Opportunities for expanding the dairy industry, including attracting
24 both new dairy producers and new processors into the State.
- 25 (4) The contribution of dairy farmers to the maintenance of prime
26 agricultural lands, and working lands, and the quality of life in the
27 State.
- 28 (5) The need for programs that stabilize the pricing of milk at the farm
29 level, such as counter-cyclical or safety net type programs in the Farm
30 Security and Rural Investment Act of 2002, or a milk transportation
31 grant program to maintain a local supply of fresh milk for processing
32 and consumption, programs that facilitate the entry of young farmers
33 into the dairy industry, and programs that preserve dairy green space
34 along the urban fringe.
- 35 (6) Other factors impacting the dairy industry in North Carolina.

36
37 **PART XXXIII. COMMITTEE ON EMPLOYEE HOSPITAL AND MEDICAL**
38 **BENEFITS STUDY NEWBORN COVERAGE (S.B. 1421 – Kinnaird)**
39

40 **SECTION 33.1.** The Committee on Employee Hospital and Medical
41 Benefits may study the following issues pertaining to benefits under the Teachers' and
42 State Employees' Comprehensive Major Medical Plan ("Plan"):

- 43 (1) Whether to repeal or otherwise modify G.S. 135-40.6(7) that limits
44 coverage for examination and supervision of a normal newborn infant

1 to only when the mother of the infant is receiving maternity benefits
2 under the Plan.

3 (2) Whether to adopt a federally qualified health reimbursement
4 arrangement as an additional component of the Plan.

5 (3) Whether deductibles and co-payment amounts applicable under the
6 Plan should be based on income of the Plan member, with
7 lower-income Plan members paying less than higher-income Plan
8 members.

9
10 **PART XXXIV. HURRICANE EVACUATION STANDARDS STUDY**
11 **COMMISSION**

12
13 **SECTION 34.1.** The Hurricane Evacuation Standards Study Commission is
14 established. The Commission shall consist of six members to be appointed as follows:

15 (1) Three members of the House of Representatives to be appointed by the
16 Speaker of the House of Representatives; and

17 (2) Three members of the Senate to be appointed by the President Pro
18 Tempore of the Senate.

19 **SECTION 34.2.** The Commission shall study the development and
20 establishment of hurricane evacuation standards for the State. The Commission shall
21 consider and recommend to the General Assembly those legislative actions necessary to
22 implement its recommendations.

23 **SECTION 34.3.** The following State employees shall attend each meeting of
24 the Commission and shall provide technical support and expertise to the Commission to
25 develop appropriate State hurricane evacuation standards:

26 (1) Director, Division of Emergency Management, Department of Crime
27 Control and Public Safety.

28 (2) Chief of Logistics, Division of Emergency Management, Department
29 of Crime Control and Public Safety.

30 (3) State Roadway Design Engineer, Department of Transportation.

31 (4) Assistant State Roadway Design Engineer, Department of
32 Transportation.

33 (5) Division Engineer, Division 1, Department of Transportation.

34 (6) Division Engineer, Division 2, Department of Transportation.

35 (7) Division Engineer, Division 3, Department of Transportation.

36 (8) Division Traffic Engineer, Division 1, Department of Transportation.

37 (9) Division Traffic Engineer, Division 2, Department of Transportation.

38 (10) Division Traffic Engineer, Division 3, Department of Transportation.

39 **SECTION 34.4.** Upon approval of the Legislative Services Commission, the
40 Legislative Services Officer shall assign professional and clerical staff to assist in the
41 work of the Commission. Clerical staff shall be furnished to the Commission through
42 the offices of the House of Representatives and Senate Supervisors of Clerks. The
43 Commission may meet in the Legislative Building or the Legislative Office Building
44 upon the approval of the Legislative Services Commission. The members of the

1 Commission, while in the discharge of official duties, may exercise all the powers
2 provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the
3 power to request all officers, agents, agencies, and departments of the State to provide
4 any information, data, or documents within their possession, ascertainable from their
5 records, or otherwise available to them, and the power to subpoena witnesses. Members
6 of the Commission shall receive per diem, subsistence, and travel allowances at the rate
7 established in G.S. 120-3.1.

8 **SECTION 34.5.** The Commission shall report its findings and any
9 recommendations to the Governor and the Joint Legislative Transportation Oversight
10 Committee of the General Assembly by January 15, 2005. Upon the earlier of the filing
11 of its final report or the convening of the 2005 General Assembly, the Commission shall
12 terminate.

13 **SECTION 34.6.** From funds appropriated to the General Assembly, the
14 Legislative Services Commission shall allocate funds for the expenses of the Hurricane
15 Evacuation Standards Commission.

16
17 **PART XXXV. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON**
18 **INFORMATION TECHNOLOGY**

19
20 **SECTION 35.1.** Chapter 120 of the General Statutes is amended by creating
21 a new Article to read:

22 "Article 30.

23 "Joint Legislative Oversight Committee on Information Technology.

24 **"§ 120-261. Committee established; purpose; organization.**

25 (a) Establishment. – There is established the Joint Legislative Oversight
26 Committee on Information Technology (Committee).

27 (b) Purpose. – The Committee shall examine, on a continuing basis, systemwide
28 issues affecting State government information technology, including, but not limited to,
29 State information technology operations, infrastructure, development, financing,
30 administration, and service delivery. The Committee may examine State agency or
31 enterprise-specific information technology issues. The Committee shall make ongoing
32 recommendations to the General Assembly on ways to improve the effectiveness,
33 efficiency, and quality of State government information technology.

34 (c) Membership. – The Committee shall consist of 16 members as follows:

35 (1) Eight members of the Senate appointed by the President Pro Tempore
36 of the Senate. At least two appointees shall be members of the Senate
37 Appropriations Committee.

38 (2) Eight members of the House of Representatives appointed by the
39 Speaker of the House of Representatives. At least two appointees shall
40 be members of the House of Representatives Appropriations
41 Committee.

42 The President Pro Tempore of the Senate and the Speaker of the House of
43 Representatives shall each select a member from their appointees to serve as cochair of
44 the Committee.

1 (d) Terms. – Members of the Committee shall serve two-year terms beginning at
2 the convening of the General Assembly in each odd-numbered year, with no prohibition
3 against being reappointed, except for the terms of the initial members which shall begin
4 on appointment and end on the day of convening of the 2005 General Assembly. A
5 member continues to serve until the member's successor is appointed. Members may
6 complete a term of service on the Committee even if they do not seek reelection or are
7 not reelected to the General Assembly, but resignation or removal from service in the
8 General Assembly constitutes resignation or removal from service on the Committee.
9 The officer who made the original appointment shall fill any vacancy within 30 days.

10 (e) Quorum. – A majority of the members of the Committee shall constitute a
11 quorum for the transaction of business. The affirmative vote of a majority of the
12 members present at meetings of the Committee shall be necessary for action to be taken
13 by the Committee.

14 (f) Subcommittees. – The Committee cochairs may establish subcommittees for
15 the purpose of making special studies pursuant to its duties, and may appoint
16 non-Committee members to serve on each subcommittee as resource persons. Resource
17 persons shall be voting members of the subcommittee and shall receive subsistence and
18 travel expenses in accordance with G.S. 138-5 and G.S. 138-6.

19 **"§ 120-262. Assistance; per diem; subsistence; and travel allowances.**

20 (a) The Committee may contract for consulting services as provided by
21 G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative
22 Services Officer shall assign professional and clerical staff to assist in the work of the
23 Committee. The professional staff shall include the appropriate staff from the Fiscal
24 Research, Research, Legislative Drafting, and Information Systems Divisions of the
25 Legislative Services Office of the General Assembly. Clerical staff shall be furnished to
26 the Committee through the offices of the Senate and the House of Representatives
27 Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne
28 by the Committee. The Committee may meet in the Legislative Building or the
29 Legislative Office Building upon the approval of the Legislative Services Commission.

30 (b) Members of the Committee shall receive per diem, subsistence, and travel
31 allowances as follows:

32 (1) Committee members who are members of the General Assembly, at
33 the rate established in G.S. 120-3.1.

34 (2) Committee members and resource persons who are officials or
35 employees of the State or of local government agencies, at the rate
36 established in G.S. 138-6.

37 (3) All other Committee members and resource persons, at the rate
38 established in G.S. 138-5.

39 **"§ 120-263. Reports.**

40 The Committee shall submit annual reports to the General Assembly on or before
41 the convening of the regular session of the General Assembly each year. The Committee
42 may submit interim reports at any time it deems appropriate.

43 **"§ 120-264. Authority.**

1 The Committee has the authority to obtain information and data from all State
2 officers, agents, agencies, and departments, while in discharge of its duties, pursuant to
3 G.S. 120-19, as if it were a committee of the General Assembly."

4 **SECTION 35.2.** Article 26 of Chapter 120 of the General Statutes is
5 repealed.

6 7 **PART XXXVI. STREAM MAPPING**

8
9 **SECTION 36.1.** The Geographic Information Coordinating Council and the
10 Department of Environment and Natural Resources shall develop and recommend a
11 plan to improve the mapping and digital representation of surface waters in North
12 Carolina, including intermittent and perennial streams, lakes, and ponds, to the General
13 Assembly and the Environmental Review Commission on January 15, 2005.

14 **SECTION 36.2.** The plan shall include at a minimum: mapping
15 specifications and standards; estimated budget and schedule for statewide
16 implementation; and entry of the data into NC OneMap.

17 **SECTION 36.3.** The Geographic Information Coordinating Council and the
18 Department shall include at a minimum the Division of Emergency Management in the
19 Department of Crime Control and Public Safety, the Department of Commerce, the
20 Department of Transportation, and the US Geological Survey in the development of the
21 plan.

22 **SECTION 36.4.** The General Assembly encourages municipalities and
23 counties to share the mapping and digital representation of surface waters that they have
24 developed with the Geographic Information Coordinating Council, NC OneMap, and
25 the public.

26 27 **PART XXXVII. STUDY COMMISSION ON HEALTH CARE WORKFORCE** 28 **DEVELOPMENT**

29
30 **SECTION 37.1.** There is created the Health Care Workforce Study
31 Commission ("Commission"). The Commission shall consist of 17 members appointed
32 as follows:

- 33 (1) Five members appointed by the Governor, to include:
- 34 a. One person who is a health care provider or a pharmacist in a
35 rural community.
 - 36 b. One person who is a hospital administrator from
37 recommendations provided by the North Carolina Hospital
38 Association.
 - 39 c. One person who is a dental care provider.
 - 40 d. One person from the Office of Research, Demonstrations, and
41 Rural Health Development of the Department of Health and
42 Human Services.
 - 43 e. The Program Director of the North Carolina AHEC Program.

- 1 (2) Six members appointed by the Speakers of the House of
2 Representatives, to include:
3 a. Four members of the House of Representatives.
4 b. One person who is a nursing home administrator from
5 recommendations provided by the NC Health Care Facilities
6 Association.
7 c. One person who is a community college president from
8 recommendations provided by the President of the North
9 Carolina Community College System.
- 10 (3) Six members appointed by the President Pro Tempore of the Senate, to
11 include:
12 a. Four members of the Senate.
13 b. One person who operates an adult care home from
14 recommendations provided by the NC Association of Long
15 Term Care Facilities.
16 c. One person who is a university president from
17 recommendations provided by the President of The University
18 of North Carolina System.

19 **SECTION 37.2.** The purpose of the Commission is to determine methods to
20 increase the number of people providing health and dental care in this State and to
21 overcome existing barriers contributing to the health care providers shortages. In
22 undertaking this study, the Commission shall consider the following:

- 23 (1) How to cultivate an interest in health occupations programs at the
24 secondary school level.
- 25 (2) How to address the shortage of adequately prepared health care
26 occupations faculty at community colleges, including designating
27 health care occupation degrees as "high cost" programs and paying
28 health care occupation faculty at a higher rate, designating a salary
29 differential for faculty members who provide clinical or classroom
30 training during evening, night, and weekend shifts, and offering other
31 incentives to encourage masters trained professionals to teach at
32 community colleges.
- 33 (3) How to address the attrition rates for students in health care occupation
34 curriculums in community colleges.
- 35 (4) Resources available to assist community colleges with the purchase of
36 equipment necessary to train students for health care occupations.
- 37 (5) Shortages of faculty at the university level.
- 38 (6) Restoring funding for university level Fast Track programs.
- 39 (7) Whether a curriculum program that offers a baccalaureate degree in
40 respiratory therapy should be established in The University of North
41 Carolina System.
- 42 (8) How to improve current programs responsible for addressing dentist
43 and physician shortages, particularly in the rural parts of the State.

- 1 (9) How to address nursing shortages, taking into consideration the
- 2 Institute of Medicine's Nursing Task Force recommendations.
- 3 (10) How to address shortages of pharmacists.
- 4 (11) Completion of the articulation plan between NCCCS and the
- 5 University of North Carolina system's health care training programs,
- 6 with a set deadline for implementation.

7 **SECTION 37.3.** The Speakers of the House of Representatives shall appoint
8 a cochair, and the President Pro Tempore of the Senate shall appoint a cochair for the
9 Commission. The Commission may contract for consultant services as provided by
10 G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative
11 Services Officer shall assign professional and clerical staff to assist in the work of the
12 Commission. Clerical staff shall be furnished to the Commission through the offices of
13 the House of Representatives and Senate Supervisors of Clerks. The Commission may
14 meet in the Legislative Building or the Legislative Office Building upon the approval of
15 the Legislative Services Commission. The Commission, while in discharge of official
16 duties, may exercise all the powers provided under the provisions of G.S. 120-19
17 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and
18 departments of the State to provide any information, data, or documents within their
19 possession, ascertainable from their records, or otherwise available to them, and the
20 power to subpoena witnesses. Members of the Commission shall receive per diem,
21 subsistence, and travel allowances at the rate established in G.S. 120-3.1, 138-5, or
22 138-6, as appropriate. Vacancies shall be filled by the appointing authority.

23 **SECTION 37.4.** The Commission shall submit an interim report to the 2005
24 Regular Session of the 2005 General Assembly that contains its recommendations,
25 legislative proposals, and cost analyses. The Commission shall make a final report to
26 the 2006 Regular Session of the 2005 General Assembly and shall terminate upon the
27 earlier of the filing of its final report or April 30, 2006.

28 **SECTION 37.5.** From the funds appropriated to the General Assembly, the
29 Legislative Services Commission shall allocate funds for the expenses of the
30 Commission established in this act.

31 **PART XXXVIII. SMART START FUNDING STUDY (Hagan)**

32 **SECTION 38.1.** Commission Established. – There is established a Smart
33 Start Funding Study Commission.

34 **SECTION 38.2.** Membership. – The Commission shall be composed of 21
35 members as follows:

- 36 (1) Four members of the Senate appointed by the President Pro Tempore
- 37 of the Senate.
- 38 (2) Four members of the House of Representatives appointed by the
- 39 Speaker of the House of Representatives.
- 40 (3) North Carolina Partnership for Children board member appointed by
- 41 Speaker of the House of Representatives.
- 42 (4) President of the North Carolina Partnership for Children.
- 43
- 44

- 1 (5) Secretary of the Department of Health and Human Services or
2 designee.
- 3 (6) North Carolina Budget and Tax Center representative appointed by the
4 President Pro Tempore of the Senate.
- 5 (7) State Budget Director or designee.
- 6 (8) Department of Social Services County Director appointed by the
7 Speaker of the House of Representatives.
- 8 (9) Department of Public Health County Director appointed by the
9 President Pro Tempore of the Senate.
- 10 (10) County Commissioner appointed by the Speaker of the House of
11 Representatives.
- 12 (11) Local Partnership for Children Executive Director appointed by the
13 President Pro Tempore of the Senate.
- 14 (12) Local Partnership for Children board chair appointed by the Speaker of
15 the House of Representatives.
- 16 (13) Two business leaders representing small and corporate business, one
17 appointed by the President Pro Tempore of the Senate, and one by the
18 Speaker of the House of Representatives.
- 19 (14) Representative of the Rural Economic Development Center appointed
20 by the President Pro Tempore of the Senate.

21 **SECTION 38.3.** Secretary of Health and Human Services. – The
22 Commission shall invite the Secretary of Health and Human Services to attend each
23 meeting of the Commission and encourage the Secretary's participation in the
24 Commission's deliberations.

25 **SECTION 38.4.** Duties of Commission. – The Commission shall study the
26 funding of the North Carolina Partnership for Children, Inc. In conducting the study,
27 the Commission shall consider the following:

- 28 (1) The current funding system of the North Carolina Partnership for
29 Children, Inc.
- 30 (2) Any strategies for achieving full funding and full service for North
31 Carolina's young children and families.
- 32 (3) Funding equity among all counties and local partnerships.
- 33 (4) Any other information the Commission deems relevant.

34 **SECTION 38.5.** Vacancies. – Any vacancy on the Commission shall be
35 filled by the appointing authority.

36 **SECTION 38.6.** Cochair. – Cochair of the Commission shall be
37 designated by the President Pro Tempore of the Senate and the Speaker of the House of
38 Representatives from among their respective appointees. The Commission shall meet
39 upon the call of the chairs.

40 **SECTION 38.7.** Expenses of Members. – Members of the Commission shall
41 receive per diem, subsistence, and travel allowances in accordance with G.S.120-3.1,
42 138-5, or 138-6, as appropriate.

1 **SECTION 38.8.** Staff. – Upon the prior approval of the Legislative Services
2 Commission, the Legislative Services Officer shall assign professional staff to the
3 Commission to aid its work.

4 **SECTION 38.9.** Consultants. – The Commission may hire consultants to
5 assist with the study. Before expending any funds for a consultant, the Commission
6 shall report to the Joint Legislative Commission on Governmental Operations on the
7 consultant selected, the work products to be provided by the consultant, and the cost of
8 the contract, including an itemization of the cost components.

9 **SECTION 38.10.** Meetings During Legislative Session. – The Commission
10 may meet during a regular or extra session of the General Assembly, subject to approval
11 of the President Pro Tempore of the Senate and the Speaker of the House of
12 Representatives.

13 **SECTION 38.11.** Meeting Location. – The Commission shall meet at
14 various locations around the State in order to promote greater public participation in its
15 deliberations. Subject to the approval of the Legislative Services Commission, the
16 Commission may meet in the State Legislative Building or the Legislative Office
17 Building.

18 **SECTION 38.12.** Report. – The Commission shall make its findings and
19 recommendations in a final report to the 2005 General Assembly. Upon the earlier of
20 the filing of its final report or the convening of the 2005 General Assembly, the
21 Commission shall terminate.

22 **SECTION 38.13.** Funding. – From funds appropriated to the General
23 Assembly, the Legislative Services Commission shall allocate funds for the purpose of
24 conducting the study provided for in this section.

25 26 **PART XXXIX. JOINT LEGISLATIVE HEALTHCARE OVERSIGHT** 27 **COMMITTEE HEATHCARE**

28
29 **SECTION 39.1.** The Joint Legislative Health Care Oversight Committee
30 may study the following:

- 31 (1) Nursing shortage (S.J.R. 142 – Forrester, Purcell)
- 32 (2) Medical errors (S.J.R. 634 – Forrester)
- 33 (3) Environmental causes of cancer (S.J.R. 143 – Forrester, Purcell)
- 34 (4) Educating the public on ovarian cancer risks and prevention (S.J.R.
35 636 – Forrester)
- 36 (5) Reducing prescription drug costs
- 37 (6) Bulk purchasing of pharmaceutical drugs (S.J.R. 968 – Kinnaird)
- 38 (7) Internet sale of prescription drugs (Rand)
- 39 (8) Pain management and palliative care
- 40 (9) Care of the mentally ill in long-term care facilities (S.B. 1148 –
41 Swindell)

42 43 **PART XL. CHILD WELFARE SYSTEM REFORM**

44

1 **SECTION 40.1.** The Department of Health and Human Services shall
2 transfer funds to the General Assembly to hire an independent consultant to evaluate
3 North Carolina's Child Welfare System at the State and local levels and provide
4 recommendations to reform that system.

5 **SECTION 40.2.** The Fiscal Research Division, through the Legislative
6 Services Office, in consultation with the Department of Health and Human Services,
7 shall issue a Request for Proposal (RFP) for an independent consultant with extensive
8 experience in child welfare systems to develop recommendations for reforming the
9 State's existing system. The contractor shall evaluate the overall administration and
10 oversight of the existing system and make specific recommendations to strengthen the
11 system. The contractor shall review North Carolina's historical performance in meeting
12 national performance outcome measurements and note any progress in taking corrective
13 action to address the areas identified as weaknesses in the existing system. The
14 contractor shall evaluate variances in resources, including staffing levels, at the local
15 level as well as the administrative structure at the State level. The contractor shall
16 review statewide abuse and neglect data to determine if the data is accurate and useful
17 and make recommendations for improving the data collection system. The contractor's
18 final report shall include recommendations to ensure accountability and consistency at
19 both the State and local levels.

20 **SECTION 40.3.** The final report from the consultant shall be presented to
21 the House of Representatives Appropriations Subcommittee on Health and Human
22 Services, the Senate Appropriations Committee on Health and Human Services, and the
23 Fiscal Research Division no later than October 1, 2005.

24 **PART XLI. BILL AND RESOLUTION REFERENCES**

25
26
27 **SECTION 41.1.** The listing of the original bill or resolution in this act is for
28 reference purposes only and shall not be deemed to have incorporated by reference any
29 of the substantive provisions contained in the original bill or resolution.

30 **PART XLII. EFFECTIVE DATE AND APPLICABILITY**

31
32
33 **SECTION 42.1.** Except as otherwise specifically provided, this act is
34 effective when it becomes law. If a study is authorized both in this act and in the
35 Current Operations and Capital Improvements Appropriations Act of 2004, the study
36 shall be implemented in accordance with the Current Operations and Capital
37 Improvements Appropriations Act of 2004 as ratified.