

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 34
Second Edition Engrossed 3/11/03
House Committee Substitute Third Edition Engrossed 7/19/03**

Short Title: 2003 Studies Act.

(Public)

Sponsors:

Referred to:

February 13, 2003

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 2003".

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 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. Naturopathic physician licensure (H.B. 1142 – Hill)
- b. Authorizing local boards of health to impose fees for the regulation of food and lodging facilities (Reeves)
- c. Landscape/irrigation contractors (H.B. 947 – Gibson, McHenry)
- d. Fire safety in local confinement facilities (H.B. 1050 – Frye)
- e. Regulating ticket brokers (H.B. 1072 – Miner, Gibson)

(2) Transportation Issues:

- a. Handheld cell phone use while driving (H.B. 623 – Bowie, Luebke, McAllister)
- b. State ports (H.B. 1249 – McComas)

- 1 c. Purchasing alternative-fuel or low-emission school buses
2 (S.J.R. 768 – Bingham)
- 3 d. Dangers posed by issuing drivers licenses without verifying
4 identity or residence (Shubert)
- 5 e. Commercial drivers license requirements and emergency
6 situations (Sloan)
- 7 (3) Consumer Issues:
- 8 a. Debt collection practices (H.B. 1039 – Weiss; Rand)
- 9 (4) Insurance Issues:
- 10 a. Workers' compensation/agricultural employment (S.B. 632 –
11 Clodfelter; H.B. 922 – Luebke)
- 12 (5) Health Issues:
- 13 a. Nursing shortage (S.J.R. 142 – Forrester, Purcell)
- 14 b. Medical errors (S.J.R. 634 – Forrester)
- 15 c. Environmental causes of cancer (S.J.R. 143 – Forrester, Purcell)
- 16 d. Educating the public on ovarian cancer risks and prevention
17 (S.J.R. 636 – Forrester)
- 18 e. Reducing prescription drug costs (H.B. 1234 – Insko, Glazier,
19 Ross)
- 20 f. Bulk purchasing of pharmaceutical drugs (S.J.R. 968 –
21 Kinnaird)
- 22 g. Pain management and palliative care (Luebke)
- 23 (6) Criminal Law Issues:
- 24 a. Execution delay (S.B. 972 – Kinnaird, Carpenter, Holloman,
25 Shaw, Clodfelter, Dorsett, Malone, Dannelly, Gulley, Lucas;
26 H.B. 1199 – Luebke, Hackney, Miner, Alexander)
- 27 b. No profit from crime (H.B. 911 – Eddins, Holliman)
- 28 c. Reclassify statutory rape (H.B. 243 – Haire)
- 29 d. Amend habitual felon law (H.B. 242 – Haire)
- 30 e. Restructure prior criminal record points (H.B. 247 – Haire)
- 31 f. Sentence lengths (H.B. 264 – Haire; S.B. 208 – Gulley)
- 32 g. Adjust penalties for B1 to E offenses (H.B. 246 – Haire)
- 33 h. Arson offenses (H.B. 244 – Haire)
- 34 i. Drug trafficking laws (H.B. 241 – Haire)
- 35 j. Provide a high felony classification for discharging a weapon
36 on school property (Hackney)
- 37 k. Judicial approval for pleas in certain cases (H.B. 1139;
38 Clodfelter)
- 39 (7) State Employee Issues:
- 40 a. Pay equity (H.B. 544 – Alexander, Clary, Weiss, Insko; S.B.
41 747 – Lucas)
- 42 b. Job sharing (H.J.R. 958 – Glazier)
- 43 c. State government employment (H.B. 861 – Earle, Wainwright)

- 1 d. Reemployment of retirees (H.B. 219 – Glazier; S.B. 10 –
2 Garwood)
- 3 e. The adequacy and timeliness of public employee benefit plan
4 disclosure (Shubert)
- 5 (8) Other:
- 6 a. Repealing Dillon's Rule in certain circumstances (S.B. 160 –
7 Clodfelter)
- 8 b. Modernizing city and county planning (S.B. 914 – Clodfelter)
- 9 c. Trafficking of persons (H.J.R. 1086 – Alexander)
- 10 d. Guardianship (H.B. 156 – Warren, Earle; S.B. 273 – Swindell,
11 Purcell)
- 12 e. Dix Hospital property (H.B. 960 – Ross, Weiss, Munford,
13 Stam; S.B. 413 – Reeves)
- 14 f. Assistance to dairy farmers (H.B. 1143 – Hill; Brubaker;
15 Albertson)
- 16 g. Job growth (H.B. 740 – C. Wilson)
- 17 h. Immigration (S.J.R. 553 – Albertson)
- 18 i. Marine fisheries (S.B. 838 – Albertson; H.B. 989 –
19 Wainwright)
- 20 j. Magistrate supervision (Gulley of Durham)
- 21 k. Casino nights for nonprofit organizations (H.B. 149 – Owens)
- 22 l. Soil and water conservation issues (Brubaker)
- 23 m. Compensation for eugenic sterilization (H.B. 1236 – Womble,
24 Parmon, Insko, Ross).

25 **SECTION 2.1.(a)** Size/Scope of Boards and Commissions (S.J.R. 924 –
26 Rand; H.J.R. 1067 – Dockham, Owens) – The Commission may study boards and
27 commissions. If this study is undertaken, the Commission shall establish a schedule for
28 reviewing boards and commissions so that approximately twenty-five percent (25%) of
29 the total number of State boards and commissions are reviewed each year for the next
30 four years. In reviewing boards and commissions, the Commission shall consider the
31 following:

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

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

1 **SECTION 2.1.(c)** Availability of Health Insurance for Uninsurable
2 Individuals (Rand) – The Commission may study ways to make insurance available to
3 individuals who have difficulty obtaining health insurance coverage. In conducting the
4 study, the Commission shall consider methods employed by other states to meet this
5 need, and possible administrative structures, funding mechanisms, and coverages.

6 **SECTION 2.1.(d)** Housing Equity Gap (S.B. 894 – Queen, Malone) – The
7 Commission may study the housing equity gap in North Carolina. The study may
8 include the following:

- 9 (1) Reasons for the housing equity gap, including the extent to which
10 certain public policies and rules unnecessarily increase the cost of
11 housing, lack of availability and terms of financing, and any other
12 identifiable barrier to the availability of housing.
- 13 (2) Ways to remove barriers to affordable housing and enhance housing
14 choice while stimulating a viable economic climate and the
15 homebuilding and real estate industries.
- 16 (3) Ways to raise the percentage of people who own their homes in this
17 State.
- 18 (4) Ways to increase the availability of affordable housing in quality
19 neighborhoods, thus enhancing equity growth.
- 20 (5) Input from persons directly affected by the gap.
- 21 (6) Input from public agencies and private nonprofit organizations that
22 have an interest in housing equity, including builders, developers, local
23 government officials, and persons involved in the areas of finance, real
24 estate, development, economic development, and community
25 development.

26 **SECTION 2.1.(e)** Wind Energy (Queen) – The Commission may study the
27 economic, environmental, and social issues associated with the development and use of
28 wind energy in the State including, but not limited to, the following:

- 29 (1) The environmental benefits of wind energy development, including the
30 reduction of: (i) emissions such as sulfur dioxides, nitrogen oxides,
31 and mercury and greenhouse gases; (ii) waste ash in landfills; and (iii)
32 water and air quality degradation associated with the extraction and
33 transport of fossil fuels.
- 34 (2) The environmental benefits of conserving rural lands for traditional
35 uses.
- 36 (3) The environmental challenges to wind energy development in the
37 State, including existing laws, aesthetic issues, the impact on birds and
38 the ecology, and secondary development associated with wind energy
39 development.
- 40 (4) The potential for wind energy to support rural economic development
41 by broadening the tax base and creating new jobs.
- 42 (5) Initiatives taken in other states to address wind energy development.
- 43 (6) Options for permitting windmills in the State, including suggestions
44 for public involvement and environmental review.

1 (7) Opportunities for wind pilot projects in the State.

2 In conducting the study, the Commission may solicit input from wind energy
3 industry representatives, utility representatives, the State Energy Office,
4 conservationists, environmentalists, leaders in rural economic development, tourism
5 industry representatives, academics, local elected officials, and legislators from the
6 eastern and western regions of the State.

7 **SECTION 2.1.(f)** Centralized Agency to Conduct Criminal Record Checks
8 (Rand) – The Commission may study ways to effectively and efficiently conduct
9 criminal record checks, including legislative, fiscal, and logistical issues related to
10 creating a centralized agency to conduct all criminal record checks for both public and
11 private industry. If it undertakes the study, the Commission shall examine the
12 following:

- 13 (1) Federal and state laws, regulations, and policies governing criminal
14 record checks.
- 15 (2) Approaches taken by other states to effectively and efficiently conduct
16 criminal record checks for public and private industry.
- 17 (3) Costs associated with establishing and implementing a centralized
18 agency or unit to perform this service.
- 19 (4) Available federal and State revenue sources.
- 20 (5) Technical or logistical issues associated with the transition to a
21 centralized approach for performing this service.
- 22 (6) Technical or logistical issues related to compiling and disseminating
23 the information obtained as a result of the checks.
- 24 (7) The appropriate location for the centralized agency and the ability of
25 the agency to disseminate information to nonpublic entities
26 expediently.
- 27 (8) Other issues relevant to establishing a centralized unit for performing
28 criminal background checks.

29 **SECTION 2.1.(g)** Pawnbrokers (Glazier, Dickson) – The Commission may
30 study the laws regulating pawnbrokers and those nonregulated retail outlets engaging in
31 similar business and acting as pawnbrokers. If undertaken by the Commission, the study
32 shall include an examination of the advisability, viability, and cost of all of the
33 following modifications to existing law with the goal of more efficiently monitoring
34 pawnshop businesses that are engaging in similar business and to more effectively aid in
35 the speedy recovery of stolen property:

- 36 (1) Picture identification of sellers or pledgers.
- 37 (2) Thumbprints on each pawn or sales receipt.
- 38 (3) Machine printed or otherwise legible pawn and sales receipts.
- 39 (4) Requirements for time and date on pawn or sales receipts.
- 40 (5) Recordation of any visible owner applied numbers or markings on
41 property.
- 42 (6) Prohibition on receipt and sale of new property.
- 43 (7) Authorization of fees to support local pawnbroker related law
44 enforcement.

- 1 (8) Computerization of pawnshop records.
2 (9) Requirement that pawnbroker records be made available to law
3 enforcement.

- 4 (10) A Pawnbroker Stolen Goods Recovery Program (H.B. 1138 – Ellis).

5 **SECTION 2.1.(h)** Medicaid funding (H.B. 540 – Daughtridge, Carney) –

6 The Commission may study the feasibility of eliminating county financial participation
7 in the Medicaid program. In conducting the study, the Commission may consider
8 alternative funding methods to ensure that the short and long-term impact on State funds
9 of eliminating county financial participation in Medicaid is revenue neutral when
10 calculated on a statewide basis. The Commission may also consider retaining the
11 county contribution to administrative costs of the Medicaid program. In making its
12 recommendations to the General Assembly, the Commission shall include a fiscal
13 analysis of the impact on State revenue and Medicaid expenses estimated to result from
14 eliminating county participation in the Medicaid program.

15 **SECTION 2.1.(i)** Abandoned junk vehicles (Culpepper) – The Commission
16 may study issues relating to the environmental, aesthetic and other public benefits
17 derived from the abatement and recycling of junked and abandoned automobiles. If it
18 undertakes this study, the Commission shall consider:

- 19 (1) Whether the abatement program can best be undertaken on a
20 county-by-county basis or a central statewide basis.
21 (2) The funding method for the abatement program.
22 (3) The process whereby junked vehicles might be delivered to scrap
23 processors as expeditiously as possible.
24 (4) The merits of use of a tax credit so as to encourage the expedited
25 collection and recycling of used and junked automobiles.
26 (5) Determination of the costs to the State and to local governments
27 associated with abandoned and junked automobiles and landfilling of
28 those automobiles.
29 (6) Any other related issues.

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

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

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

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

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

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

33 **SECTION 2.1.(l)** Office of State Energy (Daughtridge) – The Commission
34 may study the functions, duties, and responsibilities of the Office of State Energy and
35 may make a determination of whether these functions, duties, and responsibilities
36 support the legislative purpose for the Office or whether the purpose should be modified
37 in any way.

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

- 41 (1) Enact a comprehensive first and second responder statewide
42 communications goals and plan that includes, at a minimum, law
43 enforcement, fire, medical, utilities, and emergency management
44 agencies.

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

3 **SECTION 2.1.(n)** Veterans' Nursing Homes (S.B. 958 – Thomas,
4 Carpenter) – The Commission may study the funding of the construction and operation
5 of veterans' nursing homes, including availability of federal funds, ongoing cost,
6 availability of matching funds for construction needs, and potential savings to the State.
7 If it undertakes this study:

- 8 (1) The Speakers of the House of Representatives shall appoint three
9 members and the President Pro Tempore of the Senate shall appoint
10 three members to the study.
11 (2) The Director of Division of Veterans Affairs in the Department of
12 Administration shall serve as an ex officio member.
13 (3) The Administrator of the North Carolina State's Veterans Nursing
14 Home in Fayetteville shall serve as an ex officio member.

15 **SECTION 2.1.(o)** Begin Schools After Labor Day (S.B. 779 – Dannelly;
16 Thomas; H.B. 863 – C. Wilson, Hill) – The Commission may study whether the first
17 instructional day of the school year should be set after Labor Day. If it undertakes this
18 study:

- 19 (1) The Speakers of the House of Representatives shall appoint five
20 members and the President Pro Tempore of the Senate shall appoint
21 five members to the study.
22 (2) The Commission shall consult with representatives of the tourism and
23 hospitality industries and shall consider the following:
24 (a) The economic impact of setting the first instructional day of the
25 school year after Labor Day.
26 (b) The impact on elementary students of setting the first
27 instructional day of the school year after Labor Day.
28 (c) The impact of the school calendar on the quality of education.
29 (d) The performance of students on block schedules as compared to
30 students on traditional schedules.
31 (e) The performance of students who take examinations before
32 Christmas as compared to those who take exams after
33 Christmas.
34 (f) The school calendars of other states.
35 (g) The impact of weather on lost school days.
36 (h) The impact of an early August school start on family economics
37 and culture.

38 **SECTION 2.2.** For each Legislative Research Commission committee
39 created during the 2003-2005 biennium, the cochairs of the Legislative Research
40 Commission shall appoint the committee membership.

41 **SECTION 2.3.** For each of the topics the Legislative Research Commission
42 decides to study under this part or pursuant to G.S. 120-30.17(1), the Commission may
43 report its findings, together with any recommended legislation, to the 2004 Regular

1 Session of the 2003 General Assembly and shall make a final report to the 2005 Regular
2 Session of the 2005 General Assembly upon its convening.

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

6
7 **PART III. STATEWIDE EMERGENCY PREPAREDNESS STUDY**
8 **COMMISSION (S.B. 615 – Dannelly)**

9
10 **SECTION 3.1.** Commission established. – There is established the
11 Statewide Emergency Preparedness Study Commission.

12 **SECTION 3.2.** Membership. – The Commission membership shall be
13 representative of the different geographical regions of the State and shall include
14 members from rural areas of the State to the extent practicable. The Commission shall
15 consist of 22 members, as follows:

- 16 (1) The President Pro Tempore of the Senate shall appoint eight members:
17 two members of the Senate, one practicing paramedic, one trauma
18 center surgeon, one State trauma system regional advisory committee
19 coordinator, one volunteer fire or rescue worker, one air medical
20 rescue worker, and one former trauma patient.
- 21 (2) The Speakers of the House of Representatives shall appoint eight
22 members: two members of the House of Representatives, one trauma
23 center nurse, one representative of the North Carolina Medical Care
24 Commission, one career firefighter, one representative of the
25 American College of Surgeons' Committee on Trauma, one 911 or
26 other dispatch worker, and one emergency room department director.
- 27 (3) The Governor shall appoint six members: one representative of the
28 Office of Emergency Medical Services, one trauma center finance or
29 operations director, one representative of a law enforcement agency
30 that is also an EMS first responder, one representative of the State
31 Emergency Medical Services Advisory Council, one physician
32 recommended by the North Carolina College of Emergency
33 Physicians, and one EMS administrator or educator.

34 **SECTION 3.3.** Duties. – The Commission shall study the delivery of
35 emergency medical services in this State and shall do all of the following:

- 36 (1) Determine the most effective method for the regional distribution of
37 funds provided to the Office of Emergency Medical Services through
38 license restoration fees collected under G.S. 20-16.5(j).
- 39 (2) Analyze impediments to the seamless delivery of care to trauma
40 victims, including legal, administrative, logistical, and other barriers,
41 and determine means of streamlining the delivery of improved and
42 more efficient care.
- 43 (3) Examine ways of improving the quality and delivery of care to trauma
44 and emergency victims in terms of transportation, equipment,

1 education, and personnel needs, as well as the need for additional
2 trauma centers and improved coordination of existing centers.

3 (4) Examine methods of improving North Carolina's readiness to handle
4 trauma resulting from massive disasters.

5 (5) Study any other matters related to the delivery of emergency medical
6 services.

7 **SECTION 3.4.** Reports. – The Commission shall submit a final written
8 report of its findings and recommendations to the General Assembly not later than the
9 convening of the 2005 General Assembly. The Commission may submit a progress
10 report to the 2004 Regular Session of the 2003 General Assembly. The Commission
11 may include in its progress reports or in its final report recommendations for the best
12 use of funds provided to the Office of Emergency Medical Services through license
13 restoration fees collected under G.S. 20-16.5(j), as well as any recommendations for
14 further streamlining the delivery of care through regional trauma systems. The reports
15 shall also include legislative proposals necessary to implement the Commission's
16 recommendations and an analysis of the fiscal impact of each recommendation. The
17 Commission shall terminate upon the earlier of the filing of its final report or upon the
18 convening of the 2005 General Assembly.

19 **SECTION 3.5.** Expenses of members. – Members of the Commission shall
20 be paid per diem, subsistence, and travel expenses, as follows:

21 (1) Commission members who are members of the General Assembly
22 shall be paid in accordance with G.S. 120-3.1.

23 (2) Commission members who are officials or employees of the State or
24 local government agencies shall be paid in accordance with G.S.
25 138-6.

26 (3) All other Commission members shall be paid in accordance with G.S.
27 138-5.

28 **SECTION 3.6.** Cochairs; meetings. – The Speakers of the House of
29 Representatives shall appoint a cochair and the President Pro Tempore of the Senate
30 shall appoint a cochair for the Commission from their respective appointees. The
31 Commission shall meet upon the call of the chairs. A majority of the Commission
32 members shall constitute a quorum. The Commission may meet during a regular or
33 special session of the General Assembly, subject to the approval of the President Pro
34 Tempore of the Senate and the Speakers of the House of Representatives. The
35 Legislative Services Commission may provide meeting space to the Commission in the
36 State Legislative Building or in the Legislative Office Building.

37 **SECTION 3.7.** Staff. – With the prior approval of the Legislative Services
38 Commission, the Legislative Services Officer shall assign professional staff to assist in
39 the work of the Commission.

40 **SECTION 3.8.** Cooperation by government agencies. – The Commission
41 may call upon any department, agency, institution, or officer of the State or any political
42 subdivision of the State for facilities, data, or other assistance. All State departments and
43 agencies, local governments, and their subdivisions shall cooperate with the

1 Commission and, upon request, shall furnish the Commission and its staff any
2 information in their possession or available to them.

3 **SECTION 3.9.** Part XV of S.L. 2002-180 is repealed.

4 **SECTION 3.10.** From funds appropriated to the General Assembly, the
5 Legislative Services Commission shall allocate funds for the expenses of the
6 Commission established by this Part.

7
8 **PART IV. ALCOHOLIC BEVERAGE CONTROL ISSUES STUDY**
9 **COMMISSION (H.B. 1009 – Gibson; H.B. 920 - Sutton)**

10
11 **SECTION 4.1.** Alcoholic Beverage Control Issues Study Commission.
12 Study Commission Established. – There is established a Alcoholic Beverage Control
13 Issues Study Commission.

14 **SECTION 4.2.** Membership. – The Commission shall be composed of
15 members as follows:

- 16 (1) The Chairs of the Alcohol Beverage Control Committee of the House
17 of Representatives and the Commerce Committee of the Senate.
- 18 (2) Five members of the House of Representatives.
- 19 (3) Five members of the Senate.
- 20 (4) Two commissioners from counties where the sale of alcoholic
21 beverages is permitted countywide appointed by the President Pro
22 Tempore of the Senate.
- 23 (5) Two commissioners from counties where the sale of alcoholic
24 beverages is prohibited countywide but where there are municipalities
25 where the sale of alcoholic beverages is permitted appointed by the
26 Speakers of the House of Representatives.
- 27 (6) Two members of local ABC boards appointed by the Speakers of the
28 House of Representatives.
- 29 (7) One member representing the wine industry in North Carolina
30 appointed by the President Pro Tempore of the Senate.
- 31 (8) One member representing the malt beverage industry in North
32 Carolina appointed by the President Pro Tempore of the Senate.
- 33 (9) Two members representing the spirituous liquor industry in North
34 Carolina appointed by the Speakers of the House of Representatives.
- 35 (10) One member representing retail merchants appointed by the Speakers
36 of the House of Representatives.
- 37 (11) One member of the convenience store industry appointed by the
38 President Pro Tempore of the Senate.
- 39 (12) The Chairman of the Alcoholic Beverage Control Commission, the
40 Secretary of Crime Control and Public Safety, and the Secretary of
41 Health and Human Services, or their designees shall serve as ex officio
42 members.
- 43 (13) One elected or appointed municipal official appointed by the President
44 Pro Tempore of the Senate.

1 (14) One elected or appointed municipal official appointed by the Speakers
2 of the House of Representatives.

3 (15) One local ABC officer appointed by the President Pro Tempore of the
4 Senate.

5 (16) One member representing retail ABC permittees appointed by the
6 Speakers of the House of Representatives.

7 (17) One member representing restaurant ABC permittees appointed by the
8 President Pro Tempore of the Senate.

9 **SECTION 4.3.** Duties of the Commission. – The Commission shall study all
10 aspects of alcoholic beverage control in this State. The study shall include an
11 examination of all the following:

12 (1) Whether the current method of regulating the sale and distribution of
13 alcoholic beverages, and specifically the sale and distribution of
14 fortified wine and spirituous liquor, in North Carolina is the most
15 efficient and effective method as compared to different systems in
16 other states.

17 (2) Whether the current statutory and regulatory scheme contained in
18 Chapter 18B of the General Statutes is legally sufficient in light of
19 recent legal challenges and judicial decisions, and if so, whether or not
20 Chapter 18B should be recodified.

21 (3) The effectiveness of enforcement of alcoholic beverage control laws
22 and regulations.

23 (4) Any other matter relating to alcoholic beverage control in North
24 Carolina.

25 **SECTION 4.4.** Vacancies. – Vacancies on the Commission shall be filled by
26 the initial appointing authority.

27 **SECTION 4.5.** Cochairs. – The Speakers of the House of Representatives
28 shall appoint a cochair and the President Pro Tempore of the Senate shall appoint a
29 cochair for the Commission. The Study Commission shall meet upon the call of the
30 Cochairs. A quorum of the Study Commission shall be a majority of the members.

31 **SECTION 4.6.** Expenses of Members. – Members of the Study Commission
32 shall receive per diem, subsistence, and travel allowances in accordance with G.S.
33 120-3.1, 138-5, or 138-6, as appropriate.

34 **SECTION 4.7.** Staff. – The Legislative Services Office shall assign
35 professional and clerical staff to assist the Study Commission in its work.

36 **SECTION 4.8.** Consultants. – The Study Commission may hire consultants
37 to examine specific issues and subjects related to the study, in accordance with G.S.
38 120-32.02.

39 **SECTION 4.9.** Meetings During Legislative Session. – The Study
40 Commission may meet during a regular or extra session of the General Assembly.

41 **SECTION 4.10.** Meeting Location. – The Study Commission may meet at
42 various locations around the State in order to promote greater public participation in its
43 deliberations. The Legislative Services Commission shall grant adequate meeting space

1 to the Study Commission in the State Legislative Building or the Legislative Office
2 Building.

3 **SECTION 4.11.** Report. – The Commission may make interim reports and
4 shall make a final report to the General Assembly no later than January 15, 2005.
5 Regardless of whether it has filed an interim or final report, the Commission shall
6 terminate on January 15, 2005. The final report shall include Commission
7 recommendations for legislation to implement recommendations made by the
8 Commission.

9 **SECTION 4.12.** Funding. – From the funds appropriated to the General
10 Assembly, the Legislative Services Commission shall allocate funds for the expenses of
11 the Commission established by this Part.

12
13 **PART V. NORTH CAROLINA CENTRAL UNIVERSITY STUDY (H.B. 862 –**
14 **Earle, Wainwright)**

15
16 **SECTION 5.1.** North Carolina Central University, in conjunction with its
17 Department of Sociology, may study whether there is an overrepresentation of minority
18 youth in North Carolina youth development centers. If it undertakes the study, the
19 University shall:

- 20 (1) Compile and analyze data of youth development center commitments
21 for the years 1992 to 2002, including data of the race, age, gender, and
22 level of offense of all juveniles committed to youth development
23 centers in all 100 counties of the State during those years;
- 24 (2) Survey all programs throughout the State that serve as prevention
25 programs and alternatives to commitment for juveniles adjudicated
26 delinquent in order to analyze the impact these programs have in
27 deterring minority youth commitment;
- 28 (3) Assess the availability and accessibility of prevention programs and
29 programs that serve as alternatives to commitment to minority and
30 at-risk youth in all 100 counties of the State, including the percentage
31 of minority and at-risk youth adjudicated delinquent who are placed in
32 programs that serve as alternatives to commitment; and
- 33 (4) Test data for variables contributing to minority youth
34 overrepresentation in State youth development centers, including data
35 related to the role of the court system in either committing juveniles to
36 youth development centers or placing them in alternative programs.

37 **SECTION 5.2.** If it undertakes this study, North Carolina Central University
38 shall present its findings, including policy recommendations and legislative proposals,
39 to the Department of Juvenile Justice and Delinquency Prevention and the General
40 Assembly on or before May 1, 2005.

41
42 **PART VI. STUDY COMMISSION ON RESIDENTIAL AND URBAN**
43 **DEVELOPMENT ENCROACHMENT ON MILITARY BASES AND TRAINING**
44 **AREAS (Rand)**

1
2 **SECTION 6.1.** There is created the Study Commission on Residential and
3 Urban Development Encroachment on Military Bases and Training Areas. The
4 Commission shall consist of 17 members as follows:

- 5 (1) Two county commissioners appointed by the President Pro Tempore of
6 the Senate.
7 (2) Two county commissioners appointed by the Speakers of the House of
8 Representatives.
9 (3) The commanding generals of Fort Bragg, Pope Air Force Base,
10 Seymour Johnson Air Force Base, Camp Lejeune, and Cherry Point
11 Air Station, or the general's designee.
12 (4) Three Senators appointed by the President Pro Tempore of the Senate.
13 (5) Three Representatives appointed by the Speakers of the House of
14 Representatives.
15 (6) One elected or appointed municipal official appointed by the President
16 Pro Tempore of the Senate.
17 (7) One elected or appointed municipal official appointed by the Speakers
18 of the House of Representatives.

19 The Speakers of the House of Representatives shall appoint a cochair and the
20 President Pro Tempore of the Senate shall appoint a cochair for the Commission. The
21 Commission may meet at any time upon the joint call of the cochairs. Vacancies on the
22 Commission shall be filled by the same appointing authority as made the initial
23 appointment.

24 **SECTION 6.2.** The Commission shall study the following concerning
25 residential and urban development encroachment on military bases and training areas:

- 26 (1) Restricting the zoning in the areas around military bases and training
27 areas.
28 (2) How encroachment affects deed registration.
29 (3) Protecting the areas around military bases and training areas by
30 purchasing development rights and buffers using all available State
31 trust funds and other available funding mechanisms.
32 (4) Any other issue the Commission considers relevant.

33 **SECTION 6.3.** The Commission, while in the discharge of its official duties,
34 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S.
35 120-19.4. The Commission may contract for professional, clerical, or consultant
36 services as provided by G.S. 120-32.02.

37 Subject to the approval of the Legislative Services Commission, the
38 Commission may meet in the Legislative Building or the Legislative Office Building.
39 The Legislative Services Commission, through the Legislative Services Officer, shall
40 assign professional staff to assist the Commission in its work. The House of
41 Representatives' and the Senate's Supervisors of clerks shall assign clerical support staff
42 to the Commission, and the expenses relating to the clerical employees shall be borne
43 by the Commission. Members of the Commission shall receive subsistence and travel
44 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

1 **SECTION 6.4.** The Commission shall submit a final report of its findings
2 and recommendations, including any legislative recommendations, to the 2004 Regular
3 Session of the 2003 General Assembly upon its convening. The Commission shall
4 terminate upon the convening of the 2004 Regular Session of the 2003 General
5 Assembly.

6 **SECTION 6.5.** Of the funds appropriated to the General Assembly, the
7 Legislative Services Commission shall allocate funds for the expenses of the
8 Commission established by this Part.

9
10 **PART VII. LEGISLATIVE STUDY COMMISSION ON STATE PERSONNEL**
11 **STATUTES (Reeves, Gibson)**

12
13 **SECTION 7.1.** There is established a Legislative Study Commission on
14 State Personnel Statutes to review and recommend changes to Chapter 126 of the North
15 Carolina General Statutes.

16 **SECTION 7.2.** The Commission shall consist of 10 members appointed as
17 follows:

- 18 (1) Five Senators appointed by the President Pro Tempore of the Senate,
19 and
20 (2) Five Representatives appointed by the Speakers of the House of
21 Representatives.

22 **SECTION 7.3.** The Speakers of the House of Representatives shall appoint a
23 cochair and the President Pro Tempore of the Senate shall appoint a cochair for the
24 Commission. The Commission may meet at any time upon the joint call of the cochairs.
25 Vacancies on the Commission shall be filled by the same appointing authority as made
26 the initial appointment.

27 **SECTION 7.4.** There is also established a Task Force within the Office of
28 State Personnel to prepare background information and make recommendations to the
29 Legislative Study Commission on State Personnel Statutes.

30 **SECTION 7.5.** The Task Force shall consist of 12 members designated as
31 follows:

- 32 (1) Four members, one from each of the four regions within the State
33 Employees Association of North Carolina, designated by the State
34 Employees Association of North Carolina.
35 (2) One member from the Executive Committee of the State Employees
36 Association of North Carolina, designated by the State Employees
37 Association of North Carolina.
38 (3) One member that is currently employed as a human resource
39 professional in a Cabinet agency, designated by the Governor.
40 (4) One member that is currently employed as a human resource
41 professional in a Council of State agency, designated by the Council of
42 State.

- 1 (5) One member that is currently employed in the University System,
2 designated by The Board of Governors of The University of North
3 Carolina.
- 4 (6) Two members currently employed in the Office of State Personnel,
5 designated by the Office of State Personnel.
- 6 (7) One member from the Office of the Attorney General, designated by
7 the Attorney General.
- 8 (8) One member designated by the County Commissioners Association to
9 represent the interests of local government employees subject to the
10 State Personnel Act.

11 **SECTION 7.6.** The Office of State Personnel and the State Employees
12 Association of North Carolina shall jointly designate a chair of the Task Force.
13 Vacancies on the Task Force shall be filled by the same appointing authority as made
14 the initial appointment. The Office of State Personnel shall staff and provide support to
15 the Task Force.

16 **SECTION 7.7.** The Task Force shall prepare background information and
17 make recommendations to the Legislative Study Commission on State Personnel
18 Statutes by January 2004. The Task Force may make recommendations to the
19 Commission on any of the issues within the Study Commission's purview. The Task
20 Force shall terminate upon the convening of the 2004 Regular Session of the 2003
21 General Assembly.

22 **SECTION 7.8.** In conducting its study, the Commission may:

- 23 (1) Review Chapter 126 of the General Statutes to determine the need for
24 recodification or revision of existing laws. Specific areas of study may
25 include: the State Personnel Commission and the need for a separate
26 State Employee Appeal Board; and improvements to the State
27 Employee Incentive Bonus Program.
- 28 (2) Review potential innovations and initiatives including demonstration
29 or pilot projects.
- 30 (3) Review the necessity of the age adjustment factor in the severance
31 wages computation.
- 32 (4) Review the recommendations submitted by the Task Force.
- 33 (5) Review recommendations submitted by the Office of State Personnel.

34 **SECTION 7.9.** The Commission shall submit a final report of its findings
35 and recommendations, including any legislative recommendations, to the 2004 Regular
36 Session of the 2003 General Assembly upon its convening. The Commission shall
37 terminate upon the convening of the 2004 Regular Session of the 2003 General
38 Assembly.

39 **SECTION 7.10.** The Commission, while in the discharge of its official
40 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
41 through G.S. 120-19.4. The Commission may contract for professional, clerical, or
42 consultant services as provided by G.S. 120-32.02.

43 Subject to the approval of the Legislative Services Commission, the
44 Commission may meet in the Legislative Building or the Legislative Office Building.

1 The Legislative Services Commission, through the Legislative Services Officer, shall
2 assign professional staff to assist the Commission in its work. The House of
3 Representatives' and the Senate's Supervisors of Clerks shall assign clerical support staff
4 to the Commission, and the expenses relating to the clerical employees shall be borne
5 by the Commission. Members of the Commission shall receive subsistence and travel
6 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

7 **SECTION 7.11.** Of the funds appropriated to the General Assembly, the
8 Legislative Services Commission shall allocate funds for the expenses of the
9 Commission established by this Part only.

10 **PART VIII. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE** 11 **STUDIES**

12
13
14 **SECTION 8.1.** The Joint Legislative Education Oversight Committee may
15 study the topics listed in this part and report its findings, together with any
16 recommended legislation, to the 2004 Regular Session of the 2003 General Assembly
17 and shall submit a final report to the 2005 Regular Session of the 2005 General
18 Assembly upon its convening.

19 **SECTION 8.2.** Teacher assistant salary schedule (Holloman; H.B. 800 –
20 Warner, Pate) – The Committee may study establishing a salary schedule for teacher
21 assistants.

22 **SECTION 8.3.** Rural schools (S.B.703 – Metcalf, Swindell, Holloman) –
23 The Committee may study the unique issues that concern the rural schools in this State.

24 **SECTION 8.4.** Physical restraints/seclusion in schools (S.B. 977 – Dorsett)
25 – The Committee may study the use of physical restraints and seclusion in public
26 schools.

27 **SECTION 8.5.** High school graduation rate incentives (H.B. 1251 – Glazier;
28 S.B. 949 – Lucas) – The Committee may study whether bonuses should be paid to
29 principals for increased graduation rates.

30 **SECTION 8.6.** At-risk students single funding (H.B. 1250 – Glazier; S.B.
31 954 – Lucas) – The Committee may study whether a single funding stream should be
32 targeted to at-risk students.

33 **SECTION 8.7.** Job sharing for school employees other than teachers (H.B.
34 271 – Glazier, Warner, Lucas, Insko) – The Committee may study issues relating to job
35 sharing by public school employees other than teachers. If it undertakes this study, the
36 Committee shall study the need to facilitate job sharing for these employees, the cost to
37 the local school administrative unit to hire employees in job-sharing positions, and the
38 impact of job sharing on the Teachers' and State Employees' Retirement System and the
39 Comprehensive Major Medical Plan.

40 **SECTION 8.8.** Close achievement gap (H.B. 938 – Michaux; S.B. 599 –
41 Lucas) – The Committee may study the best practices and methodologies for closing the
42 achievement gap among children of various demographic groups who are performing
43 below grade level.

1 **SECTION 8.9.** E-textbooks for students (H.B. 940 – Miller) – The
2 Committee may study issues related to the availability and use of electronic copies of
3 textbooks for public school students.

4 **SECTION 8.10.** Attracting teachers to become coaches (Nesbitt) – The
5 Committee may study the need to attract teachers into assuming additional duties of
6 coaching interscholastic athletic teams in middle and high schools. If it undertakes this
7 study, the Committee shall consider the feasibility of establishing a coaching fellowship
8 program to attract students preparing to enter teaching through higher education
9 coursework into coaching.

10 **SECTION 8.11.** Kindergarten admission requirements (Kerr; Pate) – The
11 Committee may study the issue of modifying kindergarten admission requirements as it
12 relates to student readiness to enter kindergarten.

13 **SECTION 8.12.** Update the job description for school counselors (Metcalf;
14 H.B. 463 – Bell) – The Committee may study updating and clarifying the job
15 description for public school guidance counselors.

16 **SECTION 8.13.** Testing reform (Metcalf, Lucas, Apodaca) – The Joint
17 Legislative Education Oversight Committee may study the State's testing program. If it
18 undertakes this study, the Committee shall consider:

- 19 (1) The number of tests currently mandated at the State level and the
20 process and cost of developing, validating, and scoring them.
- 21 (2) Whether the State should consider the use of nationally developed tests
22 as a substitute to State developed tests. In particular, the Committee
23 shall determine whether this use would (i) affect the ABCs Program,
24 (ii) adequately measure student achievement and performance, (iii)
25 provide more than minimum levels of achievement, (iv) provide a
26 better comparison to student achievement and performance in other
27 states, (v) be practical for high school courses or higher level courses,
28 (vi) reduce the need for field testing, and (vii) offer any cost savings to
29 the State.
- 30 (3) The number of grades in which State tests are given. The Committee
31 shall determine the necessity for testing all grades in third through
32 eighth grades, whether a reduction in the grades tested would affect the
33 receipt of federal money, and the extent to which a reduction would
34 impair the State's ability to identify schools under the ABCs Program.
- 35 (4) The high school courses for which State tests are given and whether
36 there is an appropriate distribution of tests across grades nine through
37 12 and that test an appropriate array of the minimum courses required
38 for admission to the constituent institutions of The University of North
39 Carolina. In addition, the Committee shall examine whether students
40 who take higher level courses and students in 12th grade are held
41 accountable for their academic growth and performance.
- 42 (5) The advantages and disadvantages of using a composite of
43 end-of-course tests or other tests such as the SAT, AP tests, or other
44 nationally standardized tests in high school rather than developing a

1 high school exit exam. If the Committee finds a high school exit exam
2 is preferable, then it shall determine whether it must be administered to
3 all students or limited to certain students, for example, those who do
4 not take the SAT or a certain number of courses for which there are
5 end-of-course tests.

6 (6) The extent to which additional testing, including field testing, practice
7 testing, and locally mandated testing, is occurring and whether this
8 should be limited or prohibited.

9 (7) Evaluate alternative schools to determine how educational
10 achievement is being advanced in these alternative school programs
11 and that placement in these programs is to improve student
12 performance rather than improve the performance of the school in
13 which the student originally was assigned.

14 (8) The number of school days that are spent on testing.

15 (9) Any other issue the Committee considers relevant.

16 **SECTION 8.14.** School of engineering at Fayetteville State University
17 (Shaw) – The Committee may study establishing a school of engineering at Fayetteville
18 State University.

19 **SECTION 8.15.** Total Teacher Program (S.B. 1001 – Ballantine) – The
20 Committee may study the Total Teacher Program, which is an instructional program
21 designed to be used with the North Carolina public school curriculum. In the course of
22 the study, the Committee may consider the effectiveness of the Program, the experience
23 of schools in other states in using the Program, the cost and potential cost savings due to
24 the Program, and other matters related to the Program.

25 **SECTION 8.16.** School Construction (Garrou) – The Committee may study
26 issues relating to school construction and school capacity.

27 **PART IX. REVENUE LAWS STUDY COMMITTEE**

28 **SECTION 9.1.** The Revenue Laws Study Committee may study the topics
29 listed in this part and report its findings, together with any recommended legislation, to
30 the 2004 Regular Session of the 2003 General Assembly and shall submit a final report
31 to the 2005 Regular Session of the 2005 General Assembly upon its convening.

32 **SECTION 9.2.** Valuation of Lots in Subdivisions (S.B. 520 – Dalton; H.B.
33 528 – Moore, Clary, England) – The Committee may study the valuation of partially
34 improved, undeveloped lots in subdivisions.

35 **SECTION 9.3.** Simplified Business Entity Taxation (S.B. 860 – Clodfelter)
36 – The Committee may study comprehensive reform and simplification of the existing
37 State taxes on business entities, including corporations, limited liability companies,
38 partnerships, business trusts, associations, and other entities engaged in business.

39 **SECTION 9.4.** Private Activity Bonds (Rand) – The Committee may study
40 private activity bonds.
41
42

1 **SECTION 9.5.** Conform Bank Expense Deduction (H.B. 1290 – McComas;
2 H.B. 827 – Weiss, Luebke, Insko, Glazier) – The Committee may study whether the
3 State income tax on banks should be conformed to the federal income tax.

4 **SECTION 9.6.** Subsidiary Dividend Taxes (H.B. 1291 – McComas) – The
5 Committee may study whether the expense attribution law as it applies to deductible
6 dividends should be modified.

7 **SECTION 9.7.** Income Tax Derived from Manufacturing (H.B. 1268 –
8 Blackwood) – The Committee may study whether income derived from manufacturing
9 should be exempt from income taxation.

10 **SECTION 9.8.** Tax Foreclosures (H.B. 981 – A. Williams) – The Property
11 Tax Subcommittee of the Revenue Laws Study Committee may study the issue of
12 foreclosures on tax liens, including proposals for expediting the foreclosure action.

13 **SECTION 9.9.** Comparative Tax Burden (H.B. 1247 – McComas) – The
14 Committee may study the comparative tax burden on residents of South Carolina and
15 residents of North Carolina.

16 **SECTION 9.10.** Tax Incentives to Promote Preservation of Open Spaces
17 (H.B. 887 – G. Allen, Hackney; S.B. 950 – Lucas) – The Committee may study whether
18 tax incentives should be provided to promote the preservation of open spaces.

19 **SECTION 9.11.** Sales and Use Tax Exemption (Kerr; Pate) – The
20 Committee may study the issue of allowing local school administrative units a sales and
21 use tax exemption instead of a sales and use tax refund and methods to fund this change.

22 **SECTION 9.12.** Tax Preferences (H.B. 959 – Glazier) – The Committee
23 may study whether tax expenditures should be reviewed at least once every 10 years.

24 **SECTION 9.13.** Reduce Utility Equipment Sales Tax (H.B. 759 – Goforth)
25 – The Committee may study whether light construction equipment should be given
26 preferential sales and use tax treatment.

27 **SECTION 9.14.** (West) The effect of land acquisitions by the Clean Water
28 Management Trust Fund and other government owners on property tax revenue.

29 30 **PART X. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE**

31
32 **SECTION 10.1.** The Joint Legislative Health Care Oversight Committee
33 may study the topics listed in this part and report its findings, together with any
34 recommended legislation, to the 2004 Regular Session of the 2003 General Assembly
35 and shall submit a final report to the 2005 Regular Session of the 2005 General
36 Assembly upon its convening.

37 **SECTION 10.2.** Benefits for State Employee Dependents (Rand) – The
38 Committee may study alternative benefit plans for dependents of State employees.

39 **SECTION 10.3.** Consolidation of State Health Care Services (Rand) – The
40 Committee may study whether a State entity should be established to purchase health
41 care services provided with State funds and to administer data consolidation and claims
42 processing systems in order to enhance quality of care, promote cost containment, and
43 achieve administrative efficiency and effectiveness in the system of services provided
44 by the State.

1
2 **PART XI. STUDY OF VARIOUS WAYS TO PROMOTE GOVERNMENT**
3 **EFFICIENCY AND SAVINGS IN STATE SPENDING (Rand)**
4

5 **SECTION 11.1.** The University of North Carolina (through the Office of the
6 President), the Judicial Branch (through the Administrative Office of the Courts), the
7 Executive Branch (through the Department of Administration), the Legislative Branch
8 (through the Legislative Services Office), the Community College System (through the
9 President's Office), and the Department of Public Instruction shall jointly study various
10 ways to promote government efficiency and savings on State spending, including the
11 following proposals:

- 12 (1) Consolidate Administrative Functions (S.B. 805, S.B. 808 – Rand;
13 H.B. 1052 – Owens, Dockham)
14 (2) Statewide Benefit Committee Established (H.B. 1068 – Dockham,
15 Owens)
16 (3) DMV-NCDL/Registration Extensions (S.B. 804 – Rand)
17 (4) Combine State Safety Programs (S.B. 807 – Rand)
18 (5) Increase Use of Public Defenders (S.B. 810 – Rand)
19 (6) Controller's Fee – (S.B. 813 – Rand)
20 (7) Deferred Retirement Option Program (S.B. 817 – Rand)

21 **SECTION 11.2.** The Department of Administration shall report the results
22 of this study to the Legislative Research Commission by February 15, 2004.
23

24 **PART XII. JOINT LEGISLATIVE GROWTH STRATEGIES OVERSIGHT**
25 **COMMITTEE STUDY (S.B. 896 – Queen)**
26

27 **SECTION 12.1.** The Joint Legislative Growth Strategies Oversight
28 Committee may work with private and public institutions and with individuals to
29 identify the major opportunities and challenges facing the urban cores of this State and
30 to develop practical proposals for meeting these challenges to be submitted to the
31 legislative and executive branches of government.

32 If it undertakes this study, the Committee shall:

- 33 (1) Study legislation and State programs currently available to support
34 vitality in urban areas, including redevelopment laws and tax
35 incentives, and recommend changes to make them more effective.
36 (2) Research tools used in other states to enhance urban core effectiveness.
37 (3) Study the role of town centers and medium-size cities as economic
38 engines for their regions and surrounding rural areas.
39 (4) Identify examples of successful ways to revitalize distressed quarters
40 of our urban cores and town centers.
41 (5) Study organizational models for Statewide assistance to local
42 governments and communities in efforts to improve urban
43 performance.

- 1 (6) Identify existing obstacles that impede the effectiveness of our urban
2 cores and develop legislative proposals for addressing these
3 challenges.

4 **SECTION 12.2.** The Committee may include its findings and
5 recommendations on this study in its final report to the General Assembly.
6

7 **PART XIII. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT**
8 **COMMITTEE STUDIES**
9

10 **SECTION 13.1.** The Joint Legislative Transportation Oversight Committee
11 may study the topics listed in this part and report its findings, together with any
12 recommended legislation, to the 2004 Regular Session of the 2003 General Assembly
13 and shall submit a final report to the 2005 Regular Session of the 2005 General
14 Assembly upon its convening.

15 **SECTION 13.2.** I-95 Tolls (Rand) – The Committee may study the
16 feasibility of establishing tolls on Interstate 95 from the South Carolina to Virginia
17 borders. Section 13.2 of S.L. 2002-180 is repealed.

18 **SECTION 13.3.** Paving of subdivision roads – The Committee may study
19 paving subdivision roads, particularly as it relates to the impact on economic
20 development.

21 **SECTION 13.4.** Registration of all terrain vehicles (H.B. 473 – Baker) –
22 The Committee may study whether all terrain vehicles should be registered and
23 regulated.

24 **SECTION 13.5.** Alternative fuels (Daughtridge) – The Committee may
25 study the use, availability, benefits, and disadvantages of alternative fuels. The study
26 may include consideration of the following issues:

- 27 (1) The existence and availability of federal grants or other incentive
28 programs for alternative fuels and alternative fuel vehicles and the
29 impact of these programs on the need or desirability for a State
30 program.
31 (2) The impact of increased alternative fuel vehicle use on the collection
32 of motor fuel taxes and highway use taxes and whether the taxation of
33 alternative fuels or vehicles using nonliquid or hybrid fuels needs to be
34 modified.

35 **SECTION 13.6.** Weight limit changes (S.B. 377 – Garwood) – The
36 Committee may study the issue of adjusting the weight limits and penalties for trucks
37 transporting bulk commodities.
38

39 **PART XIV. COMMISSION ON CHILDHOOD OBESITY (S.B. 582 – Purcell)**
40

41 **SECTION 14.1.** There is established the Commission on Childhood
42 Obesity.

43 **SECTION 14.2.** The Commission on Childhood Obesity shall be composed
44 of 27 members who have knowledge and interest in reversing the epidemic of childhood

1 obesity and who are taking steps to prevent obesity. The members shall be appointed as
2 follows:

- 3 (1) The Superintendent of Public Instruction or his or her designee.
- 4 (2) One member of the Health and Wellness Trust Fund Commission
5 appointed by the chair of the Health and Wellness Trust Fund.
- 6 (3) Two parents of public school children and one public high school
7 student appointed by the Governor after receiving recommendations
8 from the North Carolina State Parent Teacher Association.
- 9 (4) Two members of the Senate appointed by the President Pro Tempore
10 of the Senate.
- 11 (5) Two members of the House of Representatives appointed by the
12 Speakers of the House of Representatives.
- 13 (6) Two members of a local board of education appointed by the
14 Governor, after receiving recommendations from the North Carolina
15 School Boards Association.
- 16 (7) One public school child nutrition director appointed by the Governor,
17 after receiving recommendations from the Superintendent of Public
18 Instruction.
- 19 (8) One public school nutrition education specialist appointed by the
20 Governor, after receiving recommendations from the Superintendent
21 of Public Instruction.
- 22 (9) One at-large member appointed by the Governor.
- 23 (10) Five members appointed by the President Pro Tempore of the Senate.
24 In making these appointments, the President Pro Tempore shall
25 appoint the following:
 - 26 a. One public school health education teacher.
 - 27 b. One representative from the Smart Start Program.
 - 28 c. One pediatrician.
 - 29 d. One psychologist or psychiatrist, specializing in obesity.
 - 30 e. One school administrator.Professional associations representing teachers, school administrators,
31 and the medical community may recommend appointees to the
32 President Pro Tempore of the Senate.
33
- 34 (11) Five members appointed by the Speakers of the House of
35 Representatives. In making these appointments, the Speakers of the
36 House of Representatives shall appoint the following:
 - 37 a. One public school physical education specialist.
 - 38 b. One representative from the More At Four Program.
 - 39 c. One dentist.
 - 40 d. One member of the research community addressing the obesity
41 epidemic.
 - 42 e. One school administrator.

1 Professional associations representing teachers, school administrators,
2 and dentists may recommend appointees to the Speakers of the House
3 of Representatives.

4 (12) One representative of the vending machine industry, who is appointed
5 by the Health and Wellness Trust Fund Commission, after receiving
6 recommendations from the North Carolina Citizens for Business and
7 Industry.

8 (13) One nutritionist, who is appointed by the Health and Wellness Trust
9 Fund Commission, after receiving recommendations from professional
10 associations.

11 (14) One economist, with expertise in the socioeconomic issues associated
12 with obesity, who is appointed by the Health and Wellness Trust Fund
13 Commission, after receiving recommendations from the research
14 community.

15 Each of the following organizations or agencies may select a representative
16 from its organization or agency to advise the Commission. These members shall provide
17 information to the Commission about the obesity epidemic in North Carolina: North
18 Carolina Department of Health and Human Services, Division of Public Health; North
19 Carolina Department of Public Instruction, Child Nutrition Services; Be Active North
20 Carolina, Inc.; NC Prevention Partners; American Cancer Society Inc.; American Heart
21 Association Inc.; Action for Healthy Kids NC; Healthy Weight Initiative; American
22 Diabetes Association; and the Office of the Governor.

23 **SECTION 14.3.** The Speakers of the House of Representatives shall appoint
24 a cochair and the President Pro Tempore of the Senate shall appoint a cochair for the
25 Commission from their appointees. The Commission shall meet at any time upon the
26 joint call of the cochairs. Vacancies on the Commission shall be filled by the same
27 appointing authority as made the initial appointment.

28 **SECTION 14.4.** The study shall include the following:

- 29 (1) The causes of obesity in North Carolina's children.
- 30 (2) The socioeconomic issues associated with childhood obesity.
- 31 (3) How the State should deal with childhood obesity.
- 32 (4) The steps that should be taken to prevent obesity in North Carolina.

33 **SECTION 14.5.** The Commission shall make recommendations that include
34 the following:

- 35 (1) Nutritional guidelines for food served in public schools outside of the
36 National School Lunch and School Breakfast Programs.
- 37 (2) Physical education in public schools.
- 38 (3) Physical activities in public schools.
- 39 (4) Healthy and nutritional behavior by North Carolina students and, when
40 possible, their families.

41 The Commission is encouraged to explore different settings for its
42 recommendations, including families, schools, child care, communities, health care,
43 social marketing, and surveillance and research.

1 **SECTION 14.6.** The Commission, while in the discharge of its official
2 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
3 through G.S. 120-19.4. The Commission may contract for professional, clerical, or
4 consultant services as provided by G.S. 120-32.02.

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

13 **SECTION 14.7.** The Commission shall submit a final written report of its
14 findings and recommendations to the Joint Legislative Health Care Oversight
15 Committee, the Joint Legislative Education Oversight Committee, and the Health and
16 Wellness Trust Fund Commission no later than Friday, May 7, 2004. The final report
17 may contain a summary of recommendations for changes to any law, rule, and policy
18 that would lower or eradicate the obesity rates in North Carolina and our schools. Upon
19 the earlier of the filing its final report or May 7, 2004, the Commission shall terminate.

20 **SECTION 14.8.** Subject to the provisions of G.S. 120-32.03, the
21 Commission may apply for, receive, or accept grants and contributions from any source
22 to support the work of the Commission established by this Part. The Legislative
23 Services Commission may allocate not more than fifteen thousand dollars (\$15,000) to
24 support the Commission established by this Part.

25 26 **PART XV. ENVIRONMENTAL REVIEW COMMISSION STUDIES**

27
28 **SECTION 15.1.** The Environmental Review Commission may study the
29 topics listed in this part and report its findings, together with any recommended
30 legislation, to the 2004 Regular Session of the 2003 General Assembly or to the 2005
31 Regular Session of the 2005 General Assembly upon its convening.

32 **SECTION 15.2.** Clean Air Trust Fund (S.B. 981 – Metcalf) – The
33 Commission may study establishing a Clean Air Trust Fund.

34 **SECTION 15.3.** Enable revocation of contracts under certain circumstances
35 (S.B. 878 – Horton)

36 **SECTION 15.4.** Water restriction guidelines (Gibson) – The Commission
37 may study water restriction guidelines created by the Department of Environment and
38 Natural Resources and implemented by local governments. If it undertakes this study,
39 the Commission shall consider the State's role and authority to regulate water usage
40 during times of drought conditions and shall also consider:

- 41 (1) The economic impact of water conservation measures.
- 42 (2) The balance between protecting water supply and economic impact on
43 local communities.

- 1 (3) Recommendations on establishing consistency across the State with
2 respect to Classes of Water use, specifically the use of the terms
3 essential and nonessential use.

4 **SECTION 15.5.** Plan to Share Floodplain Mapping Information (H.J.R..
5 1157 – Daughtridge) – The Commission may study whether the information compiled
6 on a regular basis by the Statewide Floodplain Mapping Unit would be useful and
7 relevant to dam operators, local agencies, and State agencies with regard to making
8 decisions about coordinating and controlling water releases from dams, flood control,
9 floodplain management, and emergency evacuation procedures. If it undertakes this
10 study, the Commission may consider the type of information compiled by the Statewide
11 Floodplain Mapping Unit and the value of that information in assisting with decisions
12 regarding flood control techniques, floodplain management, and the time, frequency,
13 and manner of water releases from dams. The Commission may also consider the
14 feasibility of making that information readily available to dam operators, appropriate
15 local agencies, and appropriate State agencies. The Commission may also consider
16 whether it is appropriate to incorporate the information available from the Statewide
17 Floodplain Mapping Unit into local emergency management plans and downstream
18 inundation maps. The Commission may also study any other issues relevant to this
19 topic.

20 **SECTION 15.6.** Effectiveness of Environmental Programs – The
21 Commission may study the overall effectiveness of the State's efforts to protect the
22 environment and conserve the natural resources of North Carolina. This study should
23 include a comprehensive evaluation of the implementation of existing legal mandates
24 and of the organizational structure of the Department of Environment and Natural
25 Resources. This study should also consider:

- 26 (1) The adequacy of current funding levels, additional funding needs, and
27 funding options, including increasing fees to cover the cost of
28 permitting, inspections, and enforcement.
29 (2) Options to improve efficiency and reduce costs, including the
30 consolidation of permitting, inspection, and enforcement functions.
31 (3) The adequacy of current staffing levels.
32 (4) Options to improve coordination among programs.
33 (5) The adequacy of current inspection and enforcement activities and
34 options to improve compliance with environmental laws and rules,
35 including improvements in the use of civil penalties.

36 **SECTION 15.7.** Deterrents to stormwater runoff (Horton) – The
37 Commission may study the feasibility of encouraging permeable surfaces as a deterrent
38 to stormwater runoff.

39 **SECTION 15.8.** Protecting property owners adjacent to activities for which
40 a stormwater permit is issued (S.B. 888 – Rucho) – The Commission may study ways to
41 protect a property owner whose land is adjacent or downstream from a site on which
42 alterations of the existing flow of stormwater will occur.

43
44 **PART XVI. UNC BOARD OF GOVERNORS STUDY COMMISSION**

1
2 **SECTION 16.1.** There is created the UNC Board of Governors Study
3 Commission. The Commission shall consist of 10 members appointed as follows: five
4 by the President Pro Tempore of the Senate and five by the Speakers of the House of
5 Representatives. The Speakers of the House of Representatives shall appoint a cochair
6 and the President Pro Tempore of the Senate shall appoint a cochair for the
7 Commission. Vacancies on the Commission shall be filled by the appointing authority.
8 The Commission shall meet upon the call of the chairs. A majority of the members of
9 the Commission shall constitute a quorum.

10 **SECTION 16.2.** The Commission shall study the method of election or
11 appointment of members of the Board of Governors, the length of members' terms, the
12 number of terms a member may serve, and the size of the Board of Governors. As part
13 of the study, the Commission may examine the governing boards of other states'
14 institutions of higher education. The Commission may submit an interim report to the
15 2004 Regular Session of the 2003 General Assembly that contains its recommendations,
16 legislative proposals, and cost analyses. The Commission shall make a final report to
17 the 2005 Regular Session of the 2005 General Assembly.

18 **SECTION 16.3.** Members of the Commission shall receive per diem,
19 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
20 appropriate.

21 **SECTION 16.4.** Subject to the approval of the Legislative Services
22 Commission, the Commission may meet in the State Legislative Building or the
23 Legislative Office Building. The Legislative Services Commission, through the
24 Legislative Services Officer, shall assign professional staff to assist in the work of the
25 Commission. The House of Representatives' and the Senate's Supervisors of Clerks
26 shall assign clerical staff to the Commission, and the expenses relating to the clerical
27 employees shall be borne by the Commission. All State departments and agencies and
28 local governments and their subdivisions shall furnish the Commission with information
29 in their possession or available to them. Of the funds appropriated to the General
30 Assembly, the Legislative Services Commission shall allocate funds for the expenses of
31 the Commission established by this Part.

32 **SECTION 16.5.** Part XXXI of S.L. 2001-491 is repealed.

33 **SECTION 16.6.** The Commission shall terminate upon the filing of its final
34 report.

35
36 **PART XVII. WILDLIFE RESOURCES COMMISSION STUDY (S.B. 790 –**
37 **Queen)**

38
39 **SECTION 17.1.** The Wildlife Resources Commission may study the current
40 state of trout fishing in Western North Carolina and determine methods for:

- 41 (1) Expanding the management of, and access to, trout water resources for
42 trout production, environmental improvements, and water trails and
43 greenway improvements.
44 (2) Promoting trout as an important aspect of the region's identity.

- 1 (3) Otherwise enhancing trout fishing in the streams of Western North
2 Carolina.

3 **SECTION 17.2.** If it undertakes this study, the Wildlife Resources
4 Commission shall report its findings and recommendations to the 2004 Regular Session
5 of the 2003 General Assembly.

6
7 **PART XVIII. GENERAL STATUTES COMMISSION STUDY (H.B. 1198 –**
8 **Alexander)**

9
10 **SECTION 18.1.** The General Statutes Commission may recommend
11 legislation to amend the General Statutes to delete the words "handicap" and
12 "handicapped" whenever they appear and substitute the appropriate phrase to describe
13 persons with disabilities, unless the words are required by federal law or describe some
14 other situation. If undertaken, the report shall be made to the General Assembly no later
15 than April 1, 2004.

16
17 **PART XIX. DEPARTMENT OF ADMINISTRATION STUDY (H.B. 1146 –**
18 **Nesbitt)**

19
20 **SECTION 19.1.** The Department of Administration may study retainage
21 from payment on public construction projects. If it undertakes this study, the
22 Department shall consider the following:

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

43 **SECTION 19.2.** The Department shall report the results of its study to the
44 2004 Regular Session of the 2003 General Assembly upon its convening.

1
2 **PART XX. WORKFORCE NEEDS STUDY COMMISSION (Lucas of Durham)**
3

4 **SECTION 20.1.** There is created the Workforce Needs Study Commission
5 ("Commission"). The Commission shall consist of 15 members appointed as follows:

- 6 (1) Five members appointed by the Governor, to include:
7 a. One person who is knowledgeable about unemployment
8 insurance laws.
9 b. One person who is knowledgeable about State and federal labor
10 laws.
11 c. One person who is knowledgeable about State and federal
12 taxes.
13 d. One person who represents an organization whose primary
14 purpose is to represent the interests of women.
15 e. One person who is knowledgeable about the State's public
16 education system.
17 (2) Five members appointed by the Speakers of the House of
18 Representatives, to include:
19 a. Three members of the House of Representatives.
20 b. One person who is a working citizen of low- to
21 moderate-income.
22 c. One person from a private business or firm employing 200 or
23 more employees in this State.
24 (3) Five members appointed by the President Pro Tempore of the Senate,
25 to include:
26 a. Three members of the Senate.
27 b. One person who represents an organization whose primary
28 purpose is to represent the interests of workers.
29 c. One person from a private business or firm employing fewer
30 than 200 employees in this State.

31 **SECTION 20.2.** The Commission shall:

- 32 (1) Identify a basic needs budget for North Carolina families and
33 determine the income and hourly wage needed to support the basic
34 needs budget.
35 (2) Determine the extent to which current labor market participation and
36 wages enable individuals and families to earn the income necessary to
37 meet their basic needs.
38 (3) Determine how many North Carolinians work and earn an adequate
39 basic needs income and study trends in the size, geographic, and
40 demographic profiles of these groups. To the extent possible, county
41 level data should be used to study trends in counties and regions of the
42 State. (H.B. 37 – Adams)
43 (4) Examine job market factors that contribute to any changes in the
44 composition and numbers of those working but unable to meet their

1 basic needs including, but not limited to, shifts from manufacturing to
2 service, from full-time to part-time work, from permanent to
3 temporary or other contingent employment, and geographic location of
4 economic development.

5 (5) Examine the impact on the State's economy, employment and wages of
6 the decreased barriers to free trade among countries that has resulted
7 from NAFTA, GATT and other federal free trade agreements, and
8 examine the impact of mass layoffs and plant closings in rural and
9 urban counties and assess the future of North Carolina industry in the
10 new economy.

11 (6) Examine the efficacy of current and proposed economic development
12 efforts and evaluate what types of jobs and wages they have brought to
13 the State, explore other options for increasing jobs that pay a wage
14 adequate to meet families' basic needs budget, and identify future
15 industries that may be viable for development in North Carolina.

16 (7) Explore other public and private initiatives that could increase
17 household income to an amount adequate to support a basic needs
18 income budget.

19 (8) Evaluate the effectiveness of the public school system to educate
20 students about budgeting and economic literacy skills and about their
21 role as consumers and workers in contemporary society.

22 (9) Examine the efficacy of a State-earned income tax credit to enable
23 working families to meet the requirements of a basic needs income
24 budget.

25 (10) Examine the wages, benefits, and protections available to part-time
26 and temporary workers, leased employees, independent contractors,
27 and other contingent workers as compared to regular full-time
28 workers.

29 (11) Examine the number, household structure, and demographics of
30 workers earning close to the federal minimum wage, the economic
31 effects in North Carolina of the past increases in the federal minimum
32 wage, and economic effects in other states that have implemented
33 minimum wages higher than the federal minimum, including, but not
34 limited to, the impact on public assistance payments, competitiveness
35 of employers, and other employee benefits.

36 (12) Consider any other matter that the Commission finds relevant to its
37 charge.

38 **SECTION 20.3.** The Speakers of the House of Representatives shall appoint
39 a cochair, and the President Pro Tempore of the Senate shall appoint a cochair for the
40 Commission. The Commission may contract for consultant services as provided by G.S.
41 120-32.02. Upon approval of the Legislative Services Commission, the Legislative
42 Services Officer shall assign professional and clerical staff to assist in the work of the
43 Commission. Clerical staff shall be furnished to the Commission through the offices of
44 the House of Representatives and Senate Supervisors of Clerks. The Commission may

1 meet in the Legislative Building or the Legislative Office Building upon the approval of
2 the Legislative Services Commission. The Commission, while in discharge of official
3 duties, may exercise all the powers provided under the provisions of G.S. 120-19
4 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and
5 departments of the State to provide any information, data, or documents within their
6 possession, ascertainable from their records, or otherwise available to them, and the
7 power to subpoena witnesses. Members of the Commission shall receive per diem,
8 subsistence, and travel allowances at the rate established in G.S. 120-3.1, 138-5, or
9 138-6, as appropriate. Vacancies shall be filled by the appointing authority.

10 **SECTION 20.4.** The Commission shall submit an interim report to the 2004
11 Regular Session of the 2003 General Assembly that contains its recommendations,
12 legislative proposals, and cost analyses. The Commission shall make a final report to
13 the 2005 Regular Session of the 2005 General Assembly and shall terminate upon the
14 earlier of the filing of its final report or January 15, 2005.

15 **SECTION 20.5.** From the funds appropriated to the General Assembly, the
16 Legislative Services Commission shall allocate funds for the expenses of the
17 Commission established by this Part.

18
19 **PART XXI. STUDY COMMISSION ON PROVIDING AN APPROPRIATE**
20 **EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION (H.B. 1135 –**
21 **Preston, L. Johnson, Parmon, Nesbitt; Womble)**
22

23 **SECTION 21.1.** There is created a Study Commission on Providing an
24 Appropriate Education for Students on Long-Term Suspension to study the feasibility
25 and cost of developing a State plan to ensure that students recommended for long-term
26 suspension receive an appropriate education. The Commission shall consist of the
27 following members:

- 28 (1) The Chair of the State Board of Education or the Chair's designee.
- 29 (2) The Superintendent of Public Instruction or the Superintendent's
30 designee.
- 31 (3) The Secretary of Juvenile Justice and Delinquency Prevention or the
32 Secretary's designee.
- 33 (4) The Director of the Division of Mental Health, Developmental
34 Disabilities, and Substance Abuse Services or the Director's designee.
- 35 (5) Three educators, appointed by the Chair of the State Board of
36 Education, who have experience dealing with students recommended
37 for long-term suspension.
- 38 (6) Two members appointed by the President Pro Tempore of the Senate
39 and two members appointed by the Speakers of the House of
40 Representatives.

41 In the course of its study, the Commission shall consult with representatives of parents,
42 teachers, students, school boards, county commissioners, or other interested parties. The
43 Commission shall consult with the Communities In Schools Program, the North
44 Carolina Child Advocacy Institute, the North Carolina Justice and Community

1 Development Center, and the Covenant with North Carolina's Children as it undertakes
2 this study.

3 **SECTION 21.2.** The Commission shall consider and report on whether and
4 to what extent North Carolina should mandate the following:

5 (1) Local school administrative units in North Carolina shall provide or
6 cause to be provided an appropriate education for all students
7 recommended for a long-term suspension.

8 (2) Each student recommended for long-term suspension shall receive a
9 multidisciplinary assessment and evaluation to (i) ascertain his or her
10 educational history, needs, and special learning problems and (ii)
11 assess the risk the child poses to staff and other students. The
12 assessment and evaluation shall include feedback and
13 recommendations from local mental health and juvenile justice
14 professionals.

15 (3) An individualized education and service plan shall be developed for all
16 students recommended for long-term suspension by a committee that
17 includes education, mental health, and juvenile justice professionals,
18 the child's parent or guardian, and any other person the committee
19 considers appropriate. The chair of the Juvenile Crime Prevention
20 Council or a designee shall serve as chair of this committee.

21 (4) All efforts shall be made to reduce the risk the child poses to staff and
22 other students and to allow the child to continue his or her education in
23 his or her regular school without disruption. These efforts shall include
24 the provision of related services and interventions from other agencies
25 when considered necessary by the committee.

26 (5) During the first 10 days of suspension, the local school administrative
27 unit shall place the student recommended for suspension in a
28 diagnostic setting for purposes of ensuring there is no disruption to the
29 student's education and to complete the assessment process.

30 (6) The local education agency shall contract with private or public
31 agencies if an appropriate education cannot be provided within the
32 school system. Funds appropriated to a local school administrative unit
33 for the education of the child shall be used to pay for the program in
34 which the child is placed.

35 (7) The child's parent or guardian shall have the right to appeal the
36 recommendation for the long-term suspension or any placement
37 decision made by the local school administrative unit.

38 (8) No child shall be rejected for education and services by a local school
39 administrative unit unless a district court judge places the child in a
40 juvenile justice program or facility. In that circumstance, the
41 Department of Juvenile Justice and Delinquency Prevention is
42 responsible for providing the child's education.

43 **SECTION 21.3.** The Speakers of the House of Representatives shall appoint
44 a cochair, and the President Pro Tempore of the Senate shall appoint a cochair for the

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

4 The Commission, while in the discharge of its official duties, may exercise all
5 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
6 Commission may contract for professional, clerical, or consultant services as provided
7 by G.S. 120-32.02.

8 Subject to the approval of the Legislative Services Commission, the
9 Commission may meet in the Legislative Building or the Legislative Office Building.
10 The Legislative Services Commission, through the Legislative Services Officer, shall
11 assign professional staff to assist the Commission in its work. The House of
12 Representatives' and the Senate's Supervisors of Clerks shall assign clerical support staff
13 to the Commission, and the expenses relating to the clerical employees shall be borne
14 by the Commission. Members of the Commission shall receive subsistence and travel
15 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

16 **SECTION 21.4.** The Commission shall report to the Joint Legislative
17 Education Oversight Committee by April 15, 2004, on the committee's findings and
18 recommendations, which may include a State plan or elements to be included in a State
19 plan, the feasibility and cost of implementing a State plan beginning with the 2004-2005
20 school year, and any statutory changes necessary to implement a State plan.

21 **SECTION 21.5.** Of the funds appropriated to the General Assembly, the
22 Legislative Services Commission shall allocate funds for the expenses of the
23 Commission established by this Part.

24
25 **PART XXII. NORTH CAROLINA BUILDING CODE COUNCIL STUDY**
26 **(Culpepper)**

27
28 **SECTION 22.1.** The General Assembly finds that the affordability of
29 housing is an important issue and that the State should endeavor to ensure that State
30 regulation does not unnecessarily increase the cost of housing. To that end, the North
31 Carolina Building Code Council shall study the Residential Building Code to determine
32 which provisions, if any, are unnecessary, outdated, overly stringent, or otherwise
33 unduly increase the cost of housing.

34 **SECTION 22.2.** The Building Code Council may submit an interim report to
35 the 2004 Regular Session of the 2003 General Assembly and shall submit a final report
36 of the findings of its study, including any recommendations for statutory changes, to the
37 2005 General Assembly upon its convening.

38
39 **PART XXIII. NORTH CAROLINA STUDY COMMISSION ON AGING STUDY**

40
41 **SECTION 23.1.** The North Carolina Study Commission on Aging may
42 study the topic listed in this part and report its findings, together with any recommended
43 legislation, to the 2004 Regular Session of the 2003 General Assembly and shall make a

1 final report to the 2005 Regular Session of the 2005 General Assembly upon its
2 convening.

3 **SECTION 23.2.** Emergency generators (H.B. 346 – Moore) – The
4 Commission may study whether nursing homes licensed under Chapter 131E of the
5 General Statutes and adult care homes licensed under Chapter 131D of the General
6 Statutes should be required to provide emergency electrical service for use in the event
7 of failure of the normal electrical service. If it undertakes this study, the Commission
8 shall consider the following:

- 9 (1) The extent to which electrical service should be provided, both
10 between and within care settings, including how much generator
11 capacity should be required.
- 12 (2) The logistical and monetary factors that are barriers to requiring
13 emergency electrical power and options to address those barriers,
14 including providing a funding mechanism for purchasing generators.
- 15 (3) The coordination between facilities and local and State emergency
16 management during power outages.
- 17 (4) Sources of funding for any mandate.

18 **SECTION 23.3.** Long-term care remediation (S.B. 206 – Swindell, Purcell)
19 – The Commission may study the feasibility of implementing a remediation program for
20 long-term care facilities in this State that is similar to the Collaborative Remediation
21 Project in Michigan.
22

23 **PART XXIV. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON**
24 **MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE**
25 **ABUSE SERVICES STUDIES**
26

27 **SECTION 24.1.** The Joint Legislative Oversight Committee on Mental
28 Health, Developmental Disabilities, and Substance Abuse Services may study the topics
29 listed in this part and report its findings, together with any recommended legislation, to
30 the 2004 Regular Session of the 2003 General Assembly and shall make a final report to
31 the 2005 Regular Session of the 2005 General Assembly upon its convening.

32 **SECTION 24.2.** Integration of care for children with multiple system
33 service needs (H.B. 169 – Insko; S.B. 262 – Foxx, Metcalf, Allran, Dannelly, Lucas,
34 Purcell) – The Committee shall conduct a comprehensive review of the State's system of
35 care for children with multiple system service needs. The purpose of the comprehensive
36 review is to determine the extent to which children who need services from multiple
37 State and local agencies in this system are or are not receiving those services in a timely
38 manner, the effectiveness of the services provided, the potential long-term impact on the
39 children, their families, and State and local resources of not providing all services in a
40 timely and cost-effective manner, and to make detailed recommendations on the system
41 changes necessary to address the problems identified as quickly as possible.
42 Recommendations on system changes shall include programmatic and funding changes,
43 and an analysis and estimate of implementation costs and projected cost-savings to the
44 State in future years. In order to ensure a dedicated focus and appropriate expertise for

1 the comprehensive review, the Committee shall convene a task force to conduct the
2 review. The task force shall be comprised of the cochairs of the Oversight Committee,
3 the Joint Legislative Education Oversight Committee, the Joint Legislative Corrections,
4 Crime Control, and Juvenile Justice Oversight Committee, the Joint Legislative Health
5 Care Oversight Committee, and other individuals appointed by the cochairs of the
6 Oversight Committee upon recommendation of the other members of the task force.

7 In conducting its review, the task force shall consider thoroughly all of the
8 following:

- 9 (1) State-of-the-art approaches to services to children with multiple
10 system service needs as the basis of reform in North Carolina.
- 11 (2) Evidence-based best practices in North Carolina and elsewhere for
12 potential systemwide adoption.
- 13 (3) Barriers to access for developing a uniform access process to
14 implement a "no wrong door" policy such that children and families
15 may enter any service access point but will be afforded seamless
16 access to all necessary services.
- 17 (4) Initiatives taken or under consideration in other states to ensure a
18 unified approach to system services, including the feasibility of
19 establishing a funding consortium for pooling resources of all involved
20 agencies in order to streamline access to the system by children and
21 involvement in the system by service providers.
- 22 (5) Ways to improve the multidisciplinary identification and evaluation of
23 children's multiple service needs and the communication of those
24 needs to all appropriate service providers.
- 25 (6) The extent to which children currently in the juvenile justice system
26 have not received adequate and appropriate educational, mental health,
27 or other health services, and the reasons why the children have not
28 been adequately served.
- 29 (7) Information from the Department of Public Instruction and other
30 organizations showing the number of children who have been
31 suspended or expelled from public school, the reasons for the
32 suspension or expulsion, the number of these children who have
33 received alternative placements to ensure that they are being
34 adequately and appropriately served by State and local service
35 systems.
- 36 (8) Necessary changes to North Carolina service systems involving mental
37 health, developmental disabilities, and substance abuse services, social
38 services, education services, juvenile justice, and other related service
39 systems that will enable these systems to work together to ensure
40 effective and timely access to services for children and their families.

41 The Oversight Committee, subject to the provisions of G.S. 120-32.02 may
42 hire a consultant to assist the task force in its comprehensive review. The Oversight
43 Committee shall establish interim and final reporting time lines for the consultant's

1 findings and recommendations, and, subject to the requirements of this section, for
2 meetings and reports of the task force.

3 **SECTION 24.3.** Mental health in prisons (H.B. 1085 – Insko) – The
4 Committee may study the incidence of mental illness and substance abuse problems
5 among inmates in the North Carolina prison and juvenile justice systems.
6

7 **PART XXV. DEPARTMENT OF CULTURAL RESOURCES/COMMISSION OF**
8 **INDIAN AFFAIRS STUDY (H.B. 747 – Sutton)**
9

10 **SECTION 25.1.** The Department of Cultural Resources and the Commission
11 of Indian Affairs of the Department of Administration may jointly study the future of
12 the North Carolina Archaeological Collection, which is currently maintained by the
13 Research Laboratories of Archaeology at the University of North Carolina at Chapel
14 Hill. If the study is undertaken, the Department and the Commission shall consider the
15 steps necessary to ensure the future preservation of the collection and the need to use
16 the collection to its fullest potential as a resource for research, teaching, and other public
17 programs.

18 **SECTION 25.2.** If the study is undertaken, the Department of Cultural
19 Resources and the Department of Administration shall report their findings and
20 recommendations to the 2004 Regular Session of the 2003 General Assembly and shall
21 include a specific recommendation on a permanent home for the collection where it can
22 be safely housed and where a permanent facility can be established in which the
23 collection can be exhibited for the benefit of the public.
24

25 **PART XXVI. JOINT COMMITTEE ON EXECUTIVE BUDGET ACT**
26 **REVISIONS STUDY (Culpepper, Clodfelter)**
27

28 **SECTION 26.1.** The Joint Committee on Executive Budget Act Revisions
29 created in S.L. 2003-284, Sec. 6.12(a), shall consider the issues raised by the provisions
30 contained in House Bill 1218 and Senate Bill 726 and include any recommendations
31 concerning those issues in its report to the General Assembly required under S.L.
32 2003-284, Sec. 6.12(b).
33

34 **PART XXVII. SENATE SELECT COMMITTEE ON INSURANCE AND CIVIL**
35 **JUSTICE REFORM (Basnight)**
36

37 **SECTION 27.1.** The Senate Select Committee on Insurance and Civil
38 Justice Reform that was established during the 2003 Session of the General Assembly
39 by the President Pro Tempore of the Senate, pursuant to Rule 31 of the Senate Rules
40 and G.S. 120-19.6, is hereby confirmed.

41 **SECTION 27.2.** The present membership of the Select Committee shall
42 continue to serve, subject to the provisions of Section 27.8.

43 **SECTION 27.3.** The Select Committee shall continue its study of:

- 1 (1) Improvement of patient care issues, including improved peer review
2 system, errors data collection, and efforts to encourage remediation by
3 health care providers;
- 4 (2) Medical malpractice insurance reforms including the benefits of
5 experience rating, claims reporting, rate stabilization, prior approval of
6 rates, central reporting of claims, and expense reporting;
- 7 (3) Litigation reforms, including itemization of damages, reduction of
8 litigation expenses, appeal bonds, prevention of frivolous litigation,
9 evidentiary issues, collateral source rule, and deferred payment of
10 judgments;
- 11 (4) Limits on personal liability, including caps on noneconomic damages,
12 excess liability funds, shared risk pools, no-fault procedure for certain
13 claims and certain medical providers;
- 14 (5) Improve incentives to enhance medical provider services in rural areas,
15 including tax credits and other incentives;
- 16 (6) Improve medical provider licensure, including strengthening oversight
17 process and governance, and more public disclosure of disciplinary
18 actions;
- 19 (7) Other reform issues, including capping attorneys' fees, shortening
20 statutes of limitations, and modifying joint and several liability; and
- 21 (8) Any other matters or issues the Committee determines to be relevant.

22 **SECTION 27.4.** The Select Committee may report on the results of its
23 study, including any proposed legislation to the members of the Senate, periodically.
24 The Select Committee is specifically authorized to report to the 2004 Regular Session of
25 the 2003 General Assembly and shall issue its final report to the members of the Senate
26 not later than December 31, 2004.

27 **SECTION 27.5.** The Select Committee is authorized to meet during sessions
28 of the General Assembly, during recesses, and in the interim periods between sessions,
29 upon the call of its chair.

30 **SECTION 27.6.** Members of the Select Committee shall receive per diem,
31 subsistence, and travel allowance at the rate established in G.S. 120-3.1.

32 **SECTION 27.7.** The expenses of the Select Committee including per diem,
33 subsistence, travel allowances, and contracts for professional or consultant services shall
34 be paid upon the written approval of the President Pro Tempore of the Senate pursuant
35 to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the Senate for its
36 operations.

37 **SECTION 27.8.** The members of the Select Committee serve at the pleasure
38 of the President Pro Tempore of the Senate. The President Pro Tempore may dissolve
39 the Select Committee at any time.

40
41 **PART XXVIII. JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND**
42 **AQUACULTURE STUDY (H.B. 758 – Stiller)**
43

1 **SECTION 28.1.** The Joint Legislative Commission on Seafood and
2 Aquaculture may study whether it should be unlawful to take shrimp with trawl nets in
3 certain inland waters. The Commission may report the results of its findings, together
4 with any recommended legislation, to the 2004 Regular Session of the 2003 General
5 Assembly and shall make a report to the 2005 Regular Session of the 2005 General
6 Assembly upon its convening.

7
8 **PART XXIX. ADMINISTRATIVE OFFICE OF THE COURTS/DEPARTMENT**
9 **OF CORRECTION STUDY (H.B. 890 – Eddins, Holliman)**

10
11 **SECTION 29.1.** The Administrative Office of the Courts and the
12 Department of Correction shall jointly study the processes for the collection and
13 payment of restitution in this State, and shall determine methods for reducing the
14 number of restitution payments that go unclaimed. The Administrative Office of the
15 Courts and the Department of Correction shall report their findings and
16 recommendations to the 2004 Regular Session of the 2003 General Assembly.

17
18 **PART XXX. JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL,**
19 **AND JUVENILE JUSTICE OVERSIGHT COMMITTEE STUDIES**

20
21 **SECTION 30.1.** The Joint Legislative Corrections, Crime Control, and
22 Juvenile Justice Oversight Committee may study the topics listed in this part and report
23 its findings, together with any recommended legislation, to the 2004 Regular Session of
24 the 2003 General Assembly and shall make a final report to the 2005 Regular Session of
25 the 2005 General Assembly upon its convening.

26 **SECTION 30.2.** Deter juvenile escapes (H.B. 956 – Haire) – The Committee
27 may study the issue of persons who escape from the custody of the Department of
28 Juvenile Justice and Delinquency Prevention (Department) and develop appropriate
29 sanctions for those persons. If it undertakes this study, the Committee shall consult with
30 the Department, the Administrative Office of the Courts, and the North Carolina
31 Sentencing and Policy Advisory Commission to develop a statutory scheme through
32 which both juveniles and persons who are over the age of 16 years shall be punished for
33 escaping from the custody of the Department.

34 **SECTION 30.3.** Federal Structured Sentencing System (Culpepper) – The
35 Committee may study the State's current system of structured sentencing and compare
36 that with the federal system of structured sentencing. In its study, the Committee shall
37 consider all of the following:

- 38 (1) A comparison of the role and responsibilities of the North Carolina
39 Sentencing and Policy Advisory Commission with regard to structured
40 sentencing with the role and responsibilities of the Commission's
41 federal counterpart.
- 42 (2) The effectiveness of both the State and federal systems in adjusting the
43 sentencing grid and the factors considered in the sentencing process so
44 that the sentencing range available to the court is appropriate for the

1 crime committed and also allows appropriate flexibility for the court to
2 consider the circumstances on a case-by-case standard.

3 (3) The effect of the structured sentencing system at the State and federal
4 levels on the number of prison beds required and whether regular
5 periodic adjustments of the sentencing structure that take into account
6 both the nature of the crimes most often committed, the effectiveness
7 of the punishments imposed, and the increase or decrease in prison
8 populations provides a more equitable and economic criminal justice
9 system.

10 (4) Any other issue relevant to this study.

11
12 **PART XXXII. DEPARTMENT OF TRANSPORTATION STUDY WITH THE**
13 **STATE TREASURER (McComas)**

14
15 **SECTION 32.1.** The Department of Transportation and Department of State
16 Treasurer shall jointly study and develop a proposal to provide appropriate debt
17 financing to accelerate the construction schedule for the Wilmington Bypass project
18 identified in G.S. 136-180(a). The study shall address financial, legal, and practical
19 issues involved in various financing options including special indebtedness under
20 Article 9 of Chapter 142 of the General Statutes, revenue bonds supported by toll
21 revenues, and other appropriate types of debt.

22 **SECTION 32.2.** The two Departments shall jointly report their findings and
23 recommendations, including proposed legislation, by May 1, 2004, to the Speakers of
24 the House of Representatives, the President Pro Tempore of the Senate, the cochairs of
25 the Joint Legislative Transportation Oversight Committee, and the Legislative Library.

26
27 **PART XXXIII. OFFICE OF STATE BUDGET AND MANAGEMENT STUDY**
28 **(Sherrill)**

29
30 **SECTION 33.1.** The Office of State Budget and Management shall conduct
31 an analysis of the structure and operation of the Department of Public Instruction. The
32 analysis shall identify potential efficiencies and savings in the operation of the
33 Department. The analysis may consider consolidation of functions with other agencies
34 and automation of functions.

35 **SECTION 33.2.** The Office of State Budget and Management shall report its
36 findings to the State Board of Education. The Office of State Budget and Management
37 and the State Board of Education shall jointly report to the Joint Legislative Education
38 Oversight Committee by March 15, 2004, on the results of the analysis.

39 **SECTION 33.3.** Section 7.13(b) of S.L. 2002-126 is repealed.

40
41 **PART XXXIV. BLUE RIBBON TASK FORCE ON MEDICAL MALPRACTICE**
42 **(H.R. 1027 – Carney, Earle, Bordsen, Dickson, Glazier)**

1 **SECTION 34.1.** There is established the House of Representatives' Blue
2 Ribbon Task Force on Medical Malpractice. The Task Force shall function and have the
3 power of an interim study committee as set forth in G.S. 120-19.6(a1). The Task Force
4 shall conduct a study of medical malpractice and make comprehensive
5 recommendations for fundamental reform. In undertaking its study, the Task Force
6 shall consider the following:

- 7 (1) The complex causes of and remedies for medical malpractice.
- 8 (2) Rapidly escalating professional liability premiums for health care
9 providers.
- 10 (3) The impact of medical malpractice issues on health care accessibility
11 in North Carolina.
- 12 (4) Matters related to the adjudication of medical negligence claims in the
13 civil justice system.
- 14 (5) Issues related to the quality of medical care.
- 15 (6) Other matters related to medical malpractice and its impact on health
16 care access.

17 **SECTION 34.2.** The Speakers of the House of Representatives shall appoint
18 22 members of the House of Representatives to the Blue Ribbon Task Force.

19 **SECTION 34.3.** The Blue Ribbon Task Force on Medical Malpractice shall
20 make recommendations to the 2004 Regular Session of the 2003 General Assembly
21 upon its reconvening.

22 **SECTION 34.4.** The expenses of the Task Force shall be paid upon the
23 written approval of both Speakers of the House pursuant to G.S. 120-35 from funds
24 available to the House for its operations.

25
26 **PART XXXV. ECONOMIC DEVELOPMENT BOARD TASK FORCE STUDY**
27 **(Black, Morgan)**

28
29 **SECTION 35.1.(a)** There is established a Small Business Task Force to
30 examine and evaluate the responsiveness of the State to North Carolina small businesses
31 and to make recommendations on small business economic development initiatives.
32 The Task Force shall study the following issues:

- 33 (1) Agencies and programs that provide developmental and expansion
34 assistance to new and existing small businesses to determine the
35 effectiveness of existing services and the need for alternative or
36 additional services.
- 37 (2) The impact of State tax laws on small business, including
38 recommendations for reform of the tax code to better promote small
39 businesses.
- 40 (3) Fiscal and tax policies affecting small businesses in other states.
- 41 (4) The need for a centralized agency to provide assistance to small
42 businesses in obtaining any necessary licenses or permits.
- 43 (5) The need for a comprehensive communications strategy for small
44 businesses that may include any of the following:

- a. Intra-agency and interagency communication and coordination of small business assistance for the increased benefit of North Carolina's small businesses.
- b. Needs or provider assistance surveys of North Carolina businesses every two years.
- c. Existing websites or the creation of a website that is designed specifically for start-up businesses and small business owners and managers and that includes information on government financial assistance programs, permits, licenses, taxes and tax incentives, and links to sources of local information.
- d. The exchange of public information between the Department of Commerce and its partners and allies.

(6) The need for a Small Business Micro-Loan Program targeted at developing, incubating, and expanding small businesses.

(7) Other matters relating to small business concerns.

SECTION 35.1.(b) The Task Force shall consist of 15 members appointed as follows: five by the President Pro Tempore of the Senate, five by the Speakers of the House of Representatives, and five by the Governor. The Speakers of the House of Representatives shall appoint a cochair and the President Pro Tempore of the Senate shall appoint a cochair for the Task Force.

SECTION 35.1.(c) The Small Business Task Force may submit an interim report to the 2004 Regular Session of the 2003 General Assembly and shall submit a final report of the findings of its study, including any recommendations for legislative changes, to the 2005 General Assembly upon its convening.

SECTION 35.2. In its Plan and annual update for 2003 required pursuant to G.S. 143B-434.01, the goals and objectives to be provided by the Economic Development Board shall include all of the following:

- (1) A specific target number of new jobs to be created in the State. The target number shall be broken down by county and Region and by new and existing businesses.
- (2) A specific target rate of unemployment for the State and for each county and Region.
- (3) An estimate of the number of jobs that will be lost in the State and each county and Region.
- (4) A specific target dollar amount of new capital investment in the State and in each Region.

PART XXXVI. UNC BOARD OF GOVERNORS STUDY FEASIBILITY OF FORGIVENESS OF STUDENT DEBT PROGRAM

SECTION 36.1. The Board of Governors of The University of North Carolina, in conjunction with the North Carolina State Education Assistance Authority, may study the feasibility of a program that would forgive student indebtedness for teachers who have continuing certification in and are teaching in the disciplines of

1 mathematics, science, or special education. The Board shall report the results of its
2 study to the Joint Legislative Education Oversight Committee by February 15, 2004.

3
4 **PART XXXVII. STATE BOARD OF EDUCATION STUDY**

5
6 **SECTION 37.1.** The State Board of Education and the Joint Legislative
7 Education Oversight Committee shall jointly study issues related to effective
8 recruitment and retention of teachers for the North Carolina public schools.

9 **SECTION 37.2.** The final report of findings and recommendations,
10 including any legislative recommendations, shall be submitted to the 2004 Regular
11 Session of the 2003 General Assembly.

12
13 **PART XXXVIII. LEGISLATIVE STUDY COMMISSION ON FINANCING**
14 **INFRASTRUCTURE FOR INDUSTRIAL CORRIDORS (McComas, Justice)**

15
16 **SECTION 38.1.** Creation. – There is created the Legislative Study
17 Commission on Financing Infrastructure for Industrial Corridors. The purposes of the
18 Commission are to investigate and identify State, federal, and local funding sources for
19 proposed water and sewer infrastructure improvements for the Highway 421 Industrial
20 Corridor in Pender and New Hanover Counties, to foster interlocal cooperation to
21 enhance economic development in the region, and to recommend any legislative
22 changes necessary to enhance available resources for development.

23 **SECTION 38.2.** Members. – The Commission shall consist of 12 members
24 as provided in this subsection. The following individuals shall serve ex officio: (i) the
25 chair of the Pender County Board of Commissioners or another member of the board
26 designated by the chair and (ii) the chair of the New Hanover County Board of
27 Commissioners or another member of the board designated by the chair. Five members
28 shall be appointed by the Speaker of the House of Representatives as follows: two
29 members of the House of Representatives, an individual nominated by the Cape Fear
30 Regional Growth Team, an individual from New Hanover County who represents
31 Wilmington Industrial Development, Inc., also known as the Wilmington Committee of
32 100, and an owner of property abutting the Highway 421 Industrial Corridor in New
33 Hanover County. Five members shall be appointed by the President Pro Tempore of the
34 Senate as follows: two members of the Senate, an individual nominated by the Cape
35 Fear Regional Growth Team, an individual from Pender County who represents
36 Wilmington Industrial Development, Inc., also known as the Wilmington Committee of
37 100, and an owner of property abutting the Highway 421 Industrial Corridor in Pender
38 County.

39 **SECTION 38.3.** Administration. – The Speakers of the House of
40 Representatives shall designate one Representative as cochair, and the President Pro
41 Tempore of the Senate shall designate one Senator as cochair. Any vacancy on the
42 Commission shall be filled by the appointing authority that made the initial
43 appointment. The Commission shall expire upon delivering its final report.

1 The Commission, while in the discharge of its official duties, may exercise all
2 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
3 Commission may meet at any time upon the joint call of the cochairs. The Commission
4 may meet in the Legislative Building or the Legislative Office Building. The
5 Commission may contract for professional, clerical, or consultant services as provided
6 by G.S. 120-32.02.

7 The Legislative Services Commission, through the Legislative Services
8 Officer, shall assign professional staff to assist the Commission in its work. The House
9 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to
10 the Commission, and the expenses relating to the clerical employees shall be borne by
11 the Commission. Members of the Commission shall receive subsistence and travel
12 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

13 **SECTION 38.4.** Study. – In conducting the study, the Commission shall
14 consider the following:

- 15 (1) The feasibility of proposed water and sewer infrastructure
16 improvements for the Highway 421 Industrial Corridor in light of soil
17 quality, existing development, and other relevant factors.
- 18 (2) Available funding sources through State programs administered by the
19 Department of Commerce, including eligibility requirements and
20 potential legislation to clarify or adjust these requirements.
- 21 (3) Federal funding sources through federal block grants and other
22 sources, including eligibility requirements and their applicability to the
23 proposed infrastructure improvements.
- 24 (4) Available funding sources through private individuals or entities.
- 25 (5) Options for interlocal agreements to provide regional cooperation in
26 enhancing funding resources for the proposed infrastructure
27 improvements and related projects.
- 28 (6) Options for ownership and administration of the infrastructure
29 improvements by Pender County or by an authority.
- 30 (7) The measurable economic development benefits to the area from
31 making the proposed water and sewer improvements.
- 32 (8) Any other issues the Commission considers relevant.

33 **SECTION 38.5.** Report. – The Legislative Study Commission on Financing
34 Infrastructure for Industrial Corridors may make an interim report to the 2003 General
35 Assembly not later than the convening of the 2003 General Assembly, 2004 Regular
36 Session, and shall make its final report to the 2005 General Assembly upon its
37 convening. The Commission shall terminate the earlier of the filing of its report or the
38 convening of the 2005 General Assembly.

39 **SECTION 38.6.** Cooperation. – All State departments and agencies and
40 local governments and their subdivisions shall, upon request, furnish the Commission
41 with any information in their possession or available to them.

42 **SECTION 38.7.** From the funds appropriated to the General Assembly, the
43 Legislative Services Commission shall allocate funds to support the expenses of the
44 Commission established by this Part.

1
2 **PART XXXIX. DEPARTMENT OF CORRECTION STUDY (S.B. 1014 – Berger)**
3

4 **SECTION 39.1.** The Department of Correction may study the confinement
5 of inmates who are irreversibly physically incapacitated due to chronic illness or
6 disability. If it undertakes this study, the Department's study shall include, but is not
7 limited to, a review of current policies, a calculation of potential population figures and
8 medical care costs, a determination of possible alternatives to incarceration and
9 accompanying costs, and a consideration of procedures for termination or commutation
10 of sentences.

11 **SECTION 39.2.** The Department of Correction shall report its findings and
12 recommendations, including any proposed legislation, no later than the convening of the
13 2004 Regular Session of the 2003 General Assembly by filing a report with the Offices
14 of the Principal Clerk of the Senate and House of Representatives and the Legislative
15 Library.
16

17 **PART XXXX. AGRICULTURE AND FORESTRY AWARENESS STUDY**
18 **COMMISSION STUDIES**
19

20 **SECTION 40.1.** The Agriculture and Forestry Awareness Study
21 Commission may study the topics listed in this part and report its findings, together with
22 any recommended legislation, to the 2004 Regular Session of the 2003 General
23 Assembly and shall submit a final report to the 2005 Regular Session of the 2005
24 General Assembly upon its convening.

25 **SECTION 40.2.** Agriculture Commodity Incentives (Albertson) – The
26 Commission may study the possibility of establishing incentive programs to benefit
27 firms purchasing additional large quantities of North Carolina farm commodity products
28 when an overabundance of a specific commodity is designated by the State Department
29 of Agriculture and Consumer Services to be available for sale.

30 **SECTION 40.3.** Food Safety and Security (S.B. 834 – Albertson) – The
31 Commission may study ways to protect the State's food supply system and the
32 agricultural industry base.
33

34 **PART XXXXI. ELECTION LAWS REVISION COMMISSION (Gulley of**
35 **Durham)**
36

37 **SECTION 41.1.** There is created an Election Laws Revision Commission.
38 The Commission shall be composed of 17 members. Twelve members shall be
39 appointed as follows:

- 40 (1) The President Pro Tempore of the Senate shall appoint four members,
41 including at least one county board of elections member, with no more
42 than three of the four affiliated with the same political party.

1 (2) The Speakers of the House of Representatives shall appoint four
2 members, including at least one county elections director, with no
3 more than three of the four affiliated with the same political party.

4 (3) The Governor shall appoint four members, including at least one
5 county commissioner and at least one minority-party member of the
6 State Board of Elections.

7 The Chair and the Executive Director of the State Board of Elections shall be ex officio
8 members. The State chairs of the three political parties whose nominees for Governor
9 received the largest number of votes in the most recent general election for Governor
10 shall be ex officio members. All members of the Commission, whether appointed or ex
11 officio, shall be voting members.

12 **SECTION 41.2.** The President Pro Tempore of the Senate and the Speakers
13 of the House of Representatives shall each designate a cochair of the Commission from
14 their appointees.

15 **SECTION 41.3.** The Election Laws Revision Commission shall study the
16 following:

17 (1) The election laws, policies, and procedures of the State.

18 (2) The administration of those laws, policies, and procedures at the State
19 and local levels and the responsibilities of those administering these
20 laws.

21 (3) The election laws, policies, and procedures of other states and
22 jurisdictions.

23 (4) Federal and State case rulings impinging on these laws, policies, and
24 practices.

25 (5) Public funding of election campaigns, including the advisability and
26 proper design of a system to allow public funds to be used to support
27 the campaigns of candidates for Governor, Lieutenant Governor, other
28 Council of State officers, and the General Assembly who agree to
29 abide by fund-raising and spending limits.

30 (6) APA exemption for the State Board of Elections.

31 **SECTION 41.4.** The Commission shall prepare and recommend to the
32 General Assembly a comprehensive revision of the election laws of North Carolina that
33 will accomplish the following:

34 (1) Remove inconsistencies, inaccuracies, ambiguities, and outdated
35 provisions in the law.

36 (2) Incorporate in the law any desirable uncodified procedures, practices,
37 and rulings of a general nature that have been implemented by the
38 State Board of Elections or its Executive Secretary-Director.

39 (3) Conform the statutory law to State and federal case law and to any
40 requirements of federal statutory law and regulation.

41 (4) Ensure the efficient and effective administration of elections in this
42 State.

43 (5) Continue the impartial, professional administration of elections, which
44 the citizens of the State expect and demand.

- 1 (6) Recodify the election laws, as necessary, to produce a comprehensive,
2 clearly understandable structure of current North Carolina election
3 law, susceptible to orderly expansion as necessary.

4 **SECTION 41.5.** With the prior approval of the Legislative Services
5 Commission, the Legislative Services Officer shall assign professional staff to assist in
6 the work of the Election Laws Revision Commission and may provide for additional
7 staffing by the State Board of Elections, Office of the Attorney General, and the
8 Institute of Government. With prior approval of the State Board of Elections, the
9 Election Laws Revision Commission may hold its meetings in the offices of the State
10 Board. With the prior approval of the Legislative Services Commission, the Election
11 Laws Revision Commission may hold its meetings in the State Legislative Building or
12 the Legislative Office Building.

13 **SECTION 41.6.** The Commission shall submit a final written report of its
14 findings and recommendations on or before the convening of the 2005 Regular Session
15 of the 2005 General Assembly and may submit a report to the 2004 Regular Session of
16 the 2003 General Assembly. All reports shall be filed with the President Pro Tempore
17 of the Senate and the Speakers of the House of Representatives, the Principal Clerks of
18 the Senate and the House of Representatives, and the Legislative Librarian. Upon filing
19 its final report, the Commission shall terminate.

20 **SECTION 41.7.** Members of the Commission shall be paid per diem,
21 subsistence, and travel allowances as follows:

- 22 (1) Commission members who are also members of the General
23 Assembly, at the rate established in G.S. 120-3.1.
24 (2) Commission members who are officials or employees of the State or
25 local government agencies, at the rate established in G.S. 138-6.
26 (3) All other Commission members, at the rate established in G.S. 138-5.

27 **SECTION 41.8.** All State departments and agencies, local boards of
28 elections, and local governments and their subdivisions shall cooperate with the
29 Commission and, upon request, shall furnish to the Commission and its staff any
30 information in their possession or available to them.

31 **SECTION 41.9.** From funds appropriated to the General Assembly, the
32 Legislative Services Commission shall allocate funds for the expenses of the Election
33 Laws Revision Commission.

34
35 **PART XXXXII. LOCAL GOVERNMENT SELECT COMMITTEE (Stevens,
36 Smith)**
37

38 **SECTION 42.1.** There is established the Local Government Select
39 Committee, which shall consist of 12 members appointed as follows:

- 40 (1) Three members of the Senate appointed by the President Pro Tempore.
41 (2) Three members of the Senate appointed by the Minority Leader.
42 (3) Three members of the House of Representatives appointed by the
43 Democratic Speaker.

- 1 (4) Three members of the House of Representatives appointed by the
2 Republican Speaker.

3 **SECTION 42.2.** The Committee shall investigate the relationship between
4 the State and its cities and counties to the end of strengthening that relationship and
5 increasing flexibility for cities and counties. To that end, the Committee shall examine
6 and make recommendations on the following points:

- 7 (1) Mandates imposed by the State and federal governments upon cities
8 and counties, both funded and unfunded.
9 (2) The ability of the current structure of cities and counties to meet their
10 responsibilities.
11 (3) The relationships between counties, between cities, and between cities
12 and counties.
13 (4) Consolidation of functions between counties, between cities, and
14 between cities and counties to the end of increasing efficiencies.

15 **SECTION 42.3.** The President Pro Tempore and Minority Leader of the
16 Senate and the Democratic Speaker and Republican Speaker of the House of
17 Representatives shall designate four cochairs of the Committee from among their
18 respective appointees. The Committee shall meet upon the call of the cochairs.
19 Members of the Committee shall receive per diem, subsistence, and travel allowance in
20 accordance with G.S. 120-3.1. The Committee, while in the discharge of official duties,
21 may exercise all powers provided for under the provisions of G.S. 120-19 and G.S.
22 120-19.1 through G.S. 120-19.4. The Committee shall terminate the earlier of the
23 delivery of its final report or December 31, 2004.

24 **SECTION 42.4.** The Legislative Services Commission, through the
25 Legislative Services Officer, shall assign professional staff to assist the Committee in its
26 work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign
27 clerical staff to the Committee, and the expenses relating to the clerical employees shall
28 be borne by the Committee. Subject to the approval of the Legislative Services
29 Commission, the Committee may meet in the Legislative Building or the Legislative
30 Office Building.

31 **SECTION 42.5.** The Committee may meet during a regular or extra session
32 of the General Assembly, subject to approval of the Legislative Services Commission.

33 **SECTION 42.6.** The Committee shall submit a report of the results of its
34 study, including any legislative recommendations, to the General Assembly not later
35 than December 31, 2004.

36 37 **PART XXXXIII. WILMINGTON RACE RIOT COMMISSION FUNDING**

38
39 **SECTION 43.1.** Section 17.1.(f) of S.L. 2000-138, as amended by S.L.
40 2002-180, reads as rewritten:

41 "Section 17.1.(f) Members of the Commission ~~shall not~~may receive per diem or
42 reimbursement for travel or subsistence. From funds appropriated to the General
43 Assembly, the Legislative Services Commission shall allocate funds for the per diem of
44 the Commission established by this Part."

1
2 **PART XXXIV. PAMLICO TECHNICAL HIGH SCHOOL TASK FORCE**
3 **STUDY (Gorman)**
4

5 **SECTION 44.1.** The State Board of Community Colleges, the State Board
6 of Education, Pamlico Community College, and the Pamlico County Schools may
7 establish a task force to develop a plan to expand students' educational opportunities
8 within the public school system by creating a technical high school. If the task force is
9 established, in developing the plan, the task force shall consider similar programs
10 currently operated in the State, including, but not limited to, the Middle College
11 program in Guilford County and the Technical High School in Union County. The task
12 force shall also take into account the State's high school graduation requirements. If the
13 task force is established, the task force shall report to the Joint Legislative Education
14 Oversight Committee no later than January 30, 2004.
15

16 **PART XXXV. HURRICANE EVACUATION STANDARDS STUDY**
17 **COMMISSION**
18

19 **SECTION 45.1.** The Hurricane Evacuation Standards Study Commission is
20 established. The Commission shall consist of six members to be appointed as follows:

- 21 (1) Three members of the House of Representatives to be appointed by the
22 Speakers of the House of Representatives.
23 (2) Three members of the Senate to be appointed by the President Pro
24 Tempore of the Senate.

25 **SECTION 45.2.** The Commission shall study the development and
26 establishment of hurricane evacuation standards for the State. The Commission shall
27 consider and recommend to the General Assembly those legislative actions necessary to
28 implement its recommendations.

29 **SECTION 45.3.** The following State employees shall attend each meeting of
30 the Commission, and shall provide technical support and expertise to the Commission to
31 develop appropriate State hurricane evacuation standards:

- 32 (1) Director, Division of Emergency Management, Department of Crime
33 Control and Public Safety.
34 (2) Chief of Logistics, Division of Emergency Management, Department
35 of Crime Control and Public Safety.
36 (3) State Roadway Design Engineer, Department of Transportation.
37 (4) Assistant State Roadway Design Engineer, Department of
38 Transportation.
39 (5) Division Engineer, Division 1, Department of Transportation.
40 (6) Division Engineer, Division 2, Department of Transportation.
41 (7) Division Engineer, Division 3, Department of Transportation.
42 (8) Division Traffic Engineer, Division 1, Department of Transportation.
43 (9) Division Traffic Engineer, Division 2, Department of Transportation.
44 (10) Division Traffic Engineer, Division, 3, Department of Transportation.

1 **SECTION 45.4.** Upon approval of the Legislative Services Commission, the
2 Legislative Services Officer shall assign professional and clerical staff to assist in the
3 work of the Commission. Clerical staff shall be furnished to the Commission through
4 the offices of the House of Representatives and Senate Supervisors of Clerks. The
5 Commission may meet in the Legislative Building or the Legislative Office Building
6 upon the approval of the Legislative Services Commission. The members of the
7 Commission, while in the discharge of official duties, may exercise all the powers
8 provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the
9 power to request all officers, agents, agencies, and departments of the State to provide
10 any information, data, or documents within their possession, ascertainable from their
11 records, or otherwise available to them, and the power to subpoena witnesses. Members
12 of the Commission shall receive per diem, subsistence, and travel allowances at the rate
13 established in G.S. 120-3.1.

14 **SECTION 45.5.** The Commission shall report its findings and any
15 recommendations to the Governor and the Joint Legislative Transportation Oversight
16 Committee of the General Assembly by November 1, 2003.

17 **SECTION 45.6.** From funds appropriated to the General Assembly, the
18 Legislative Services Commission shall allocate funds for the expenses of the Hurricane
19 Evacuation Standards Commission.
20

21 **PART XXXXVI. BILL AND RESOLUTION REFERENCES**

22
23 **SECTION 46.1.** The listing of the original bill or resolution in this act is for
24 reference purposes only and shall not be deemed to have incorporated by reference any
25 of the substantive provisions contained in the original bill or resolution.
26

27 **PART XXXXVII. EFFECTIVE DATE AND APPLICABILITY**

28
29 **SECTION 47.1.** Except as otherwise specifically provided, this act is
30 effective when it becomes law. If a study is authorized both in this act and in the
31 Current Operations and Capital Improvements Appropriations Act of 2003, the study
32 shall be implemented in accordance with the Current Operations and Capital
33 Improvements Appropriations Act of 2003 as ratified.