

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 674*

Senate Rules and Operations of the Senate Committee Substitute Adopted 7/17/03

Short Title: The Studies Act of 2003.

(Public)

Sponsors:

Referred to:

March 26, 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 (3) Consumer Issues:
- 4 a. Debt collection practices (H.B. 1039 – Weiss; Rand)
- 5 (4) Insurance Issues:
- 6 a. Workers' compensation/agricultural employment (S.B. 632 –
7 Clodfelter; H.B. 922 – Luebke)
- 8 (5) Health Issues:
- 9 a. Nursing shortage (S.J.R. 142 – Forrester, Purcell)
- 10 b. Medical errors (S.J.R. 634 – Forrester)
- 11 c. Environmental causes of cancer (S.J.R. 143 – Forrester, Purcell)
- 12 d. Educating the public on ovarian cancer risks and prevention
13 (S.J.R. 636 – Forrester)
- 14 e. Reducing prescription drug costs (H.B. 1234 – Insko, Glazier,
15 Ross)
- 16 f. Bulk purchasing of pharmaceutical drugs (S.J.R. 968 –
17 Kinnaird)
- 18 (6) Criminal Law Issues:
- 19 a. Execution delay (S.B. 972 – Kinnaird, Carpenter, Holloman,
20 Shaw, Clodfelter, Dorsett, Malone, Dannelly, Gulley, Lucas;
21 H.B. 1199 – Luebke, Hackney, Miner, Alexander)
- 22 b. No profit from crime (H.B. 911 – Eddins, Holliman)
- 23 c. Reclassify statutory rape (H.B. 243 – Haire)
- 24 d. Amend habitual felon law (H.B. 242 – Haire)
- 25 e. Restructure prior criminal record points (H.B. 247 – Haire)
- 26 f. Sentence lengths (H.B. 264 – Haire; S.B. 208 – Gulley)
- 27 g. Adjust penalties for B1 to E offenses (H.B. 246 – Haire)
- 28 h. Arson offenses (H.B. 244 – Haire)
- 29 i. Drug trafficking laws (H.B. 241 – Haire)
- 30 j. Provide a high felony classification for discharging a weapon
31 on school property (Hackney)
- 32 (7) State Employee Issues:
- 33 a. Pay equity (H.B. 544 – Alexander, Clary, Weiss, Insko; S.B.
34 747 – Lucas)
- 35 b. Job sharing (H.J.R. 958 – Glazier)
- 36 c. State government employment (H.B. 861 – Earle, Wainwright)
- 37 d. Reemployment of retirees (H.B. 219 – Glazier; S.B. 10 –
38 Garwood)
- 39 (8) Other:
- 40 a. Repealing Dillon's Rule in certain circumstances (S.B. 160 –
41 Clodfelter)
- 42 b. Modernizing city and county planning (S.B. 914 – Clodfelter)
- 43 c. Trafficking of persons (H.J.R. 1086 – Alexander)

- d. Guardianship (H.B. 156 – Warren, Earle; S.B. 273 – Swindell, Purcell)
- e. Dix Hospital property (H.B. 960 – Ross, Weiss, Munford, Stam; S.B. 413 – Reeves)
- f. Assistance to dairy farmers (H.B. 1143 – Hill; Brubaker; Albertson)
- g. Job growth (H.B. 740 – C. Wilson)
- h. Immigration (S.J.R. 553 – Albertson)
- i. Marine fisheries (S.B. 838 – Albertson; H.B. 989 – Wainwright)
- j. Magistrate supervision (Gulley of Durham).

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

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

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

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

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

- (1) Reasons for the housing equity gap, including the extent to which certain public policies and rules unnecessarily increase the cost of housing, lack of availability and terms of financing, and any other identifiable barrier to the availability of housing.

- 1 (2) Ways to remove barriers to affordable housing and enhance housing
2 choice while stimulating a viable economic climate and the
3 homebuilding and real estate industries.
- 4 (3) Ways to raise the percentage of people who own their homes in this
5 State.
- 6 (4) Ways to increase the availability of affordable housing in quality
7 neighborhoods, thus enhancing equity growth.
- 8 (5) Input from persons directly affected by the gap.
- 9 (6) Input from public agencies and private nonprofit organizations that
10 have an interest in housing equity, including builders, developers, local
11 government officials, and persons involved in the areas of finance, real
12 estate, development, economic development, and community
13 development.

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

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

34 In conducting the study, the Commission may solicit input from wind energy
35 industry representatives, utility representatives, the State Energy Office,
36 conservationists, environmentalists, leaders in rural economic development, tourism
37 industry representatives, academics, local elected officials, and legislators from the
38 eastern and western regions of the State.

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

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

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

- 24 (1) Picture identification of sellers or pledgers.
- 25 (2) Thumbprints on each pawn or sales receipt.
- 26 (3) Machine printed or otherwise legible pawn and sales receipts.
- 27 (4) Requirements for time and date on pawn or sales receipts.
- 28 (5) Recordation of any visible owner applied numbers or markings on
29 property.
- 30 (6) Prohibition on receipt and sale of new property.
- 31 (7) Authorization of fees to support local pawnbroker related law
32 enforcement.
- 33 (8) Computerization of pawnshop records.
- 34 (9) Requirement that pawnbroker records be made available to law
35 enforcement.

36 **SECTION 2.1.(h)** Medicaid funding (H.B. 540 – Daughtridge, Carney) –
37 The Commission may study the feasibility of eliminating county financial participation
38 in the Medicaid program. In conducting the study, the Commission may consider
39 alternative funding methods to ensure that the short and long-term impact on State funds
40 of eliminating county financial participation in Medicaid is revenue neutral when
41 calculated on a statewide basis. The Commission may also consider retaining the
42 county contribution to administrative costs of the Medicaid program. In making its
43 recommendations to the General Assembly, the Commission shall include a fiscal

1 analysis of the impact on State revenue and Medicaid expenses estimated to result from
2 eliminating county participation in the Medicaid program.

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

- 7 (1) Whether the abatement program can best be undertaken on a
8 county-by-county basis or a central statewide basis.
- 9 (2) The funding method for the abatement program.
- 10 (3) The process whereby junked vehicles might be delivered to scrap
11 processors as expeditiously as possible.
- 12 (4) The merits of use of a tax credit so as to encourage the expedited
13 collection and recycling of used and junked automobiles.
- 14 (5) Determination of the costs to the State and to local governments
15 associated with abandoned and junked automobiles and landfilling of
16 those automobiles.
- 17 (6) Any other related issues.

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

- 21 (1) Whether the State-developed tests are the appropriate means to
22 measure student mastery of the knowledge and skills taught in
23 vocational education courses, with specific focus on the agriculture
24 curriculum.
- 25 (2) The system for development of appropriate tests and methods of
26 measuring student achievement and program performance in
27 vocational and technical education.
- 28 (3) The public school system of measuring student performance in the
29 vocational and technical area as compared to the community college
30 system of measuring student performance in the vocational and
31 technical area.
- 32 (4) Alternatives to the current tests, methods, and techniques provided
33 through VoCATS.

34 **SECTION 2.1.(k)** Availability and delivery of government services to
35 Hispanics (Barnhart, McComas) – The Commission may study the current State and
36 local policies regarding the availability and delivery of government services to the
37 State's increasing Hispanic population, the issues confronted by governmental agencies
38 in effectively delivering those services, and the issues confronted by members of the
39 Hispanic community in obtaining those services. If it undertakes this study, the
40 Commission shall focus particularly on services in the areas of education, health, and
41 public safety. As part of its study, the Commission may consider how all of the
42 following complicate the delivery and receipt of government services within the State's
43 Hispanic community:

- 44 (1) Cultural differences.

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

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

20 **SECTION 2.1.(l)** Office of State Energy (Daughtridge) – The Commission
21 may study the functions, duties, and responsibilities of the Office of State Energy and
22 may make a determination of whether these functions, duties, and responsibilities
23 support the legislative purpose for the Office or whether the purpose should be modified
24 in any way.

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

- 28 (1) Enact a comprehensive first and second responder statewide
- 29 communications goals and plan that includes, at a minimum, law
- 30 enforcement, fire, medical, utilities, and emergency management
- 31 agencies.
- 32 (2) Coordinate and assist grant applications from State and local
- 33 organizations for federal communications funding.

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

- 39 (1) The Speakers of the House of Representatives shall appoint three
- 40 members and the President Pro Tempore of the Senate shall appoint
- 41 three members to the study.
- 42 (2) The Director of Division of Veterans Affairs in the Department of
- 43 Administration shall serve as an ex officio member.

- 1 (3) The Administrator of the North Carolina State's Veterans Nursing
2 Home in Fayetteville shall serve as an ex officio member.

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

- 7 (1) The Speakers of the House of Representatives shall appoint five
8 members and the President Pro Tempore of the Senate shall appoint
9 five members to the study.
- 10 (2) The Commission shall consult with representatives of the tourism and
11 hospitality industries and shall consider the following:
- 12 (a) The economic impact of setting the first instructional day of the
13 school year after Labor Day.
- 14 (b) The impact on elementary students of setting the first
15 instructional day of the school year after Labor Day.
- 16 (c) The impact of the school calendar on the quality of education.
- 17 (d) The performance of students on block schedules as compared to
18 students on traditional schedules.
- 19 (e) The performance of students who take examinations before
20 Christmas as compared to those who take exams after
21 Christmas.
- 22 (f) The school calendars of other states.
- 23 (g) The impact of weather on lost school days.
- 24 (h) The impact of an early August school start on family economics
25 and culture.

26 **SECTION 2.2.** For each Legislative Research Commission committee
27 created during the 2003-2005 biennium, the cochairs of the Legislative Research
28 Commission shall appoint the committee membership.

29 **SECTION 2.3.** For each of the topics the Legislative Research Commission
30 decides to study under this part or pursuant to G.S. 120-30.17(1), the Commission may
31 report its findings, together with any recommended legislation, to the 2004 Regular
32 Session of the 2003 General Assembly and shall make a final report to the 2005 Regular
33 Session of the 2005 General Assembly upon its convening.

34 **SECTION 2.4.** From the funds available to the General Assembly, the
35 Legislative Services Commission may allocate additional monies to fund the work of
36 the Legislative Research Commission.

37
38 **PART III. STATEWIDE EMERGENCY PREPAREDNESS STUDY**
39 **COMMISSION (S.B. 615 – Dannelly)**

40
41 **SECTION 3.1.** Commission established. – There is established the
42 Statewide Emergency Preparedness Study Commission.

43 **SECTION 3.2.** Membership. – The Commission membership shall be
44 representative of the different geographical regions of the State and shall include

1 members from rural areas of the State to the extent practicable. The Commission shall
2 consist of 22 members, as follows:

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

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

- 23 (1) Determine the most effective method for the regional distribution of
24 funds provided to the Office of Emergency Medical Services through
25 license restoration fees collected under G.S. 20-16.5(j).
- 26 (2) Analyze impediments to the seamless delivery of care to trauma
27 victims, including legal, administrative, logistical, and other barriers,
28 and determine means of streamlining the delivery of improved and
29 more efficient care.
- 30 (3) Examine ways of improving the quality and delivery of care to trauma
31 and emergency victims in terms of transportation, equipment,
32 education, and personnel needs, as well as the need for additional
33 trauma centers and improved coordination of existing centers.
- 34 (4) Examine methods of improving North Carolina's readiness to handle
35 trauma resulting from massive disasters.
- 36 (5) Study any other matters related to the delivery of emergency medical
37 services.

38 **SECTION 3.4.** Reports. – The Commission shall submit a final written
39 report of its findings and recommendations to the General Assembly not later than the
40 convening of the 2005 General Assembly. The Commission may submit a progress
41 report to the 2004 Regular Session of the 2003 General Assembly. The Commission
42 may include in its progress reports or in its final report recommendations for the best
43 use of funds provided to the Office of Emergency Medical Services through license
44 restoration fees collected under G.S. 20-16.5(j), as well as any recommendations for

1 further streamlining the delivery of care through regional trauma systems. The reports
2 shall also include legislative proposals necessary to implement the Commission's
3 recommendations and an analysis of the fiscal impact of each recommendation. The
4 Commission shall terminate upon the earlier of the filing of its final report or upon the
5 convening of the 2005 General Assembly.

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

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

10 (2) Commission members who are officials or employees of the State or
11 local government agencies shall be paid in accordance with G.S.
12 138-6.

13 (3) All other Commission members shall be paid in accordance with G.S.
14 138-5.

15 **SECTION 3.6.** Cochairs; meetings. – The Speakers of the House of
16 Representatives shall appoint a cochair and the President Pro Tempore of the Senate
17 shall appoint a cochair for the Commission from their respective appointees. The
18 Commission shall meet upon the call of the chairs. A majority of the Commission
19 members shall constitute a quorum. The Commission may meet during a regular or
20 special session of the General Assembly, subject to the approval of the President Pro
21 Tempore of the Senate and the Speakers of the House of Representatives. The
22 Legislative Services Commission may provide meeting space to the Commission in the
23 State Legislative Building or in the Legislative Office Building.

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

27 **SECTION 3.8.** Cooperation by government agencies. – The Commission
28 may call upon any department, agency, institution, or officer of the State or any political
29 subdivision of the State for facilities, data, or other assistance. All State departments and
30 agencies, local governments, and their subdivisions shall cooperate with the
31 Commission and, upon request, shall furnish the Commission and its staff any
32 information in their possession or available to them.

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

34 **SECTION 3.10.** From funds appropriated to the General Assembly, the
35 Legislative Services Office shall allocate funds for the expenses of the Commission
36 established by this Part.

37
38 **PART IV. ALCOHOLIC BEVERAGE CONTROL ISSUES STUDY**
39 **COMMISSION (H.B. 1009 – Gibson; H.B. 920 - Sutton)**

40
41 **SECTION 4.1.** Alcoholic Beverage Control Issues Study Commission.
42 Study Commission Established. – There is established a Alcoholic Beverage Control
43 Issues Study Commission.

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

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

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

- 33 (1) Whether the current method of regulating the sale and distribution of
34 alcoholic beverages, and specifically the sale and distribution of
35 fortified wine and spirituous liquor, in North Carolina is the most
36 efficient and effective method as compared to different systems in
37 other states.
- 38 (2) Whether the current statutory and regulatory scheme contained in
39 Chapter 18B of the General Statutes is legally sufficient in light of
40 recent legal challenges and judicial decisions, and if so, whether or not
41 Chapter 18B should be recodified.
- 42 (3) The effectiveness of enforcement of alcoholic beverage control laws
43 and regulations.

1 (4) Any other matter relating to alcoholic beverage control in North
2 Carolina.

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

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

9 **SECTION 4.6.** Expenses of Members. – Members of the Study Commission
10 shall receive per diem, subsistence, and travel allowances in accordance with G.S.
11 120-3.1, 138-5, or 138-6, as appropriate.

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

14 **SECTION 4.8.** Consultants. – The Study Commission may hire consultants
15 to examine specific issues and subjects related to the study, in accordance with G.S.
16 120-32.02.

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

19 **SECTION 4.10.** Meeting Location. – The Study Commission may meet at
20 various locations around the State in order to promote greater public participation in its
21 deliberations. The Legislative Services Commission shall grant adequate meeting space
22 to the Study Commission in the State Legislative Building or the Legislative Office
23 Building.

24 **SECTION 4.11.** Report. – The Commission may make interim reports and
25 shall make a final report to the General Assembly no later than January 15, 2005.
26 Regardless of whether it has filed an interim or final report, the Commission shall
27 terminate on January 15, 2005. The final report shall include Commission
28 recommendations for legislation to implement recommendations made by the
29 Commission.

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

33
34 **PART V. NORTH CAROLINA CENTRAL UNIVERSITY STUDY (H.B. 862 –**
35 **Earle, Wainwright)**

36
37 **SECTION 5.1.** North Carolina Central University, in conjunction with its
38 Department of Sociology, may study whether there is an overrepresentation of minority
39 youth in North Carolina youth development centers. If it undertakes the study, the
40 University shall:

41 (1) Compile and analyze data of youth development center commitments
42 for the years 1992 to 2002, including data of the race, age, gender, and
43 level of offense of all juveniles committed to youth development
44 centers in all 100 counties of the State during those years;

- 1 (2) Survey all programs throughout the State that serve as prevention
2 programs and alternatives to commitment for juveniles adjudicated
3 delinquent in order to analyze the impact these programs have in
4 deterring minority youth commitment;
- 5 (3) Assess the availability and accessibility of prevention programs and
6 programs that serve as alternatives to commitment to minority and
7 at-risk youth in all 100 counties of the State, including the percentage
8 of minority and at-risk youth adjudicated delinquent who are placed in
9 programs that serve as alternatives to commitment; and
- 10 (4) Test data for variables contributing to minority youth
11 overrepresentation in State youth development centers, including data
12 related to the role of the court system in either committing juveniles to
13 youth development centers or placing them in alternative programs.

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

18
19 **PART VI. STUDY COMMISSION ON RESIDENTIAL AND URBAN**
20 **DEVELOPMENT ENCROACHMENT ON MILITARY BASES AND TRAINING**
21 **AREAS (Rand)**

22
23 **SECTION 6.1.** There is created the Study Commission on Residential and
24 Urban Development Encroachment on Military Bases and Training Areas. The
25 Commission shall consist of 15 members as follows:

- 26 (1) Two county commissioners appointed by the President Pro Tempore of
27 the Senate.
- 28 (2) Two county commissioners appointed by the Speakers of the House of
29 Representatives.
- 30 (3) The commanding generals of Fort Bragg, Pope Air Force Base,
31 Seymour Johnson Air Force Base, Camp Lejeune, and Cherry Point
32 Air Station, or the general's designee.
- 33 (4) Three Senators appointed by the President Pro Tempore of the Senate.
- 34 (5) Three Representatives appointed by the Speakers of the House of
35 Representatives.

36 The Speakers of the House of Representatives shall appoint a cochair and the
37 President Pro Tempore of the Senate shall appoint a cochair for the Commission. The
38 Commission may meet at any time upon the joint call of the cochairs. Vacancies on the
39 Commission shall be filled by the same appointing authority as made the initial
40 appointment.

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

- 43 (1) Restricting the zoning in the areas around military bases and training
44 areas.

- 1 (2) How encroachment affects deed registration.
- 2 (3) Protecting the areas around military bases and training areas by
- 3 purchasing development rights and buffers using all available State
- 4 trust funds and other available funding mechanisms.
- 5 (4) Any other issue the Commission considers relevant.

6 **SECTION 6.3.** The Commission, while in the discharge of its official duties,
7 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S.
8 120-19.4. The Commission may contract for professional, clerical, or consultant
9 services as provided by G.S. 120-32.02.

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

18 **SECTION 6.4.** The Commission shall submit a final report of its findings
19 and recommendations, including any legislative recommendations, to the 2004 Regular
20 Session of the 2003 General Assembly upon its convening. The Commission shall
21 terminate upon the convening of the 2004 Regular Session of the 2003 General
22 Assembly.

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

26

27 **PART VII. LEGISLATIVE STUDY COMMISSION ON STATE PERSONNEL**

28 **STATUTES (Reeves, Gibson)**

29

30 **SECTION 7.1.** There is established a Legislative Study Commission on
31 State Personnel Statutes to review and recommend changes to Chapter 126 of the North
32 Carolina General Statutes.

33 **SECTION 7.2.** The Commission shall consist of 10 members appointed as
34 follows:

- 35 (1) Five Senators appointed by the President Pro Tempore of the Senate,
36 and
- 37 (2) Five Representatives appointed by the Speakers of the House of
38 Representatives.

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

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

4 **SECTION 7.5.** The Task Force shall consist of 11 members designated as
5 follows:

- 6 (1) Four members, one from each of the four regions within the State
7 Employees Association of North Carolina, designated by the State
8 Employees Association of North Carolina.
- 9 (2) One member from the Executive Committee of the State Employees
10 Association of North Carolina, designated by the State Employees
11 Association of North Carolina.
- 12 (3) One member that is currently employed as a human resource
13 professional in a Cabinet agency, designated by the Governor.
- 14 (4) One member that is currently employed as a human resource
15 professional in a Council of State agency, designated by the Council of
16 State.
- 17 (5) One member that is currently employed in the University System,
18 designated by The Board of Governors of The University of North
19 Carolina.
- 20 (6) Two members currently employed in the Office of State Personnel,
21 designated by the Office of State Personnel.
- 22 (7) One member from the Office of the Attorney General, designated by
23 the Attorney General.

24 **SECTION 7.6.** The Office of State Personnel and the State Employees
25 Association of North Carolina shall jointly designate a chair of the Task Force.
26 Vacancies on the Task Force shall be filled by the same appointing authority as made
27 the initial appointment. The Office of State Personnel shall staff and provide support to
28 the Task Force.

29 **SECTION 7.7.** The Task Force shall prepare background information and
30 make recommendations to the Legislative Study Commission on State Personnel
31 Statutes by January 2004. The Task Force may make recommendations to the
32 Commission on any of the issues within the Study Commission's purview. The Task
33 Force shall terminate upon the convening of the 2004 Regular Session of the 2003
34 General Assembly.

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

- 36 (1) Review Chapter 126 of the General Statutes to determine the need for
37 recodification or revision of existing laws. Specific areas of study may
38 include: the State Personnel Commission and the need for a separate
39 State Employee Appeal Board; and improvements to the State
40 Employee Incentive Bonus Program.
- 41 (2) Review potential innovations and initiatives including demonstration
42 or pilot projects.
- 43 (3) Review the necessity of the age adjustment factor in the severance
44 wages computation.

1 (4) Review the recommendations submitted by the Task Force.

2 (5) Review recommendations submitted by the Office of State Personnel.

3 **SECTION 7.9.** The Commission shall submit a final report of its findings
4 and recommendations, including any legislative recommendations, to the 2004 Regular
5 Session of the 2003 General Assembly upon its convening. The Commission shall
6 terminate upon the convening of the 2004 Regular Session of the 2003 General
7 Assembly.

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

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

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

23 **PART VIII. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE** 24 **STUDIES**

25
26
27 **SECTION 8.1.** The Joint Legislative Education Oversight Committee may
28 study the topics listed in this part and report its findings, together with any
29 recommended legislation, to the 2004 Regular Session of the 2003 General Assembly
30 and shall submit a final report to the 2005 Regular Session of the 2005 General
31 Assembly upon its convening.

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

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

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

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

1 **SECTION 8.6.** At-risk students single funding (H.B. 1250 – Glazier; S.B.
2 954 – Lucas) – The Committee may study whether a single funding stream should be
3 targeted to at-risk students.

4 **SECTION 8.7.** Job sharing for school employees other than teachers (H.B.
5 271 – Glazier, Warner, Lucas, Insko) – The Committee may study issues relating to job
6 sharing by public school employees other than teachers. If it undertakes this study, the
7 Committee shall study the need to facilitate job sharing for these employees, the cost to
8 the local school administrative unit to hire employees in job-sharing positions, and the
9 impact of job sharing on the Teachers' and State Employees' Retirement System and the
10 Comprehensive Major Medical Plan.

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

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

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

24 25 **PART IX. REVENUE LAWS STUDY COMMITTEE**

26
27 **SECTION 9.1.** The Revenue Laws Study Committee may study the topics
28 listed in this part and report its findings, together with any recommended legislation, to
29 the 2004 Regular Session of the 2003 General Assembly and shall submit a final report
30 to the 2005 Regular Session of the 2005 General Assembly upon its convening.

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

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

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

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

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

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

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

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

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

16 17 **PART X. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE**

18
19 **SECTION 10.1.** The Joint Legislative Health Care Oversight Committee
20 may study the topics listed in this part and report its findings, together with any
21 recommended legislation, to the 2004 Regular Session of the 2003 General Assembly
22 and shall submit a final report to the 2005 Regular Session of the 2005 General
23 Assembly upon its convening.

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

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

32 33 **PART XI. STUDY OF VARIOUS WAYS TO PROMOTE GOVERNMENT** 34 **EFFICIENCY AND SAVINGS IN STATE SPENDING (Rand)**

35
36 **SECTION 11.1.** The University of North Carolina (through the Office of the
37 President), the Judicial Branch (through the Administrative Office of the Courts), the
38 Executive Branch (through the Department of Administration), the Legislative Branch
39 (through the Legislative Services Office), the Community College System (through the
40 President's Office), and the Department of Public Instruction shall jointly study various
41 ways to promote government efficiency and savings on State spending, including the
42 following proposals:

- 43 (1) Consolidate Administrative Functions (S.B. 805, S.B. 808 – Rand;
44 H.B. 1052 – Owens, Dockham)

- (2) Statewide Benefit Committee Established (H.B. 1068 – Dockham, Owens)
- (3) DMV-NCDL/Registration Extensions (S.B. 804 – Rand)
- (4) Combine State Safety Programs (S.B. 807 – Rand)
- (5) Increase Use of Public Defenders (S.B. 810 – Rand)
- (6) Controller's Fee – (S.B. 813 – Rand)
- (7) Deferred Retirement Option Program (S.B. 817 – Rand)

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

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

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

If it undertakes this study, the Committee shall:

- (1) Study legislation and State programs currently available to support vitality in urban areas, including redevelopment laws and tax incentives, and recommend changes to make them more effective.
- (2) Research tools used in other states to enhance urban core effectiveness.
- (3) Study the role of town centers and medium-size cities as economic engines for their regions and surrounding rural areas.
- (4) Identify examples of successful ways to revitalize distressed quarters of our urban cores and town centers.
- (5) Study organizational models for Statewide assistance to local governments and communities in efforts to improve urban performance.
- (6) Identify existing obstacles that impede the effectiveness of our urban cores and develop legislative proposals for addressing these challenges.

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

PART XIII. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDIES

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

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

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

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

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

13 (1) The existence and availability of federal grants or other incentive
14 programs for alternative fuels and alternative fuel vehicles and the
15 impact of these programs on the need or desirability for a State
16 program.

17 (2) The impact of increased alternative fuel vehicle use on the collection
18 of motor fuel taxes and highway use taxes and whether the taxation of
19 alternative fuels or vehicles using nonliquid or hybrid fuels needs to be
20 modified.

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

24
25 **PART XIV. COMMISSION ON CHILDHOOD OBESITY (S.B. 582 – Purcell)**

26
27 **SECTION 14.1.** There is established the Commission on Childhood
28 Obesity.

29 **SECTION 14.2.** The Commission on Childhood Obesity shall be composed
30 of 27 members who have knowledge and interest in reversing the epidemic of childhood
31 obesity and who are taking steps to prevent obesity. The members shall be appointed as
32 follows:

33 (1) The Superintendent of Public Instruction or his or her designee.

34 (2) One member of the Health and Wellness Trust Fund Commission
35 appointed by the chair of the Health and Wellness Trust Fund.

36 (3) Two parents of public school children and one public high school
37 student appointed by the Governor after receiving recommendations
38 from the North Carolina State Parent Teacher Association.

39 (4) Two members of the Senate appointed by the President Pro Tempore
40 of the Senate.

41 (5) Two members of the House of Representatives appointed by the
42 Speakers of the House of Representatives.

- 1 (6) Two members of a local board of education appointed by the
2 Governor, after receiving recommendations from the North Carolina
3 School Boards Association.
- 4 (7) One public school child nutrition director appointed by the Governor,
5 after receiving recommendations from the Superintendent of Public
6 Instruction.
- 7 (8) One public school nutrition education specialist appointed by the
8 Governor, after receiving recommendations from the Superintendent
9 of Public Instruction.
- 10 (9) One at-large member appointed by the Governor.
- 11 (10) Five members appointed by the President Pro Tempore of the Senate.
12 In making these appointments, the President Pro Tempore shall
13 appoint the following:
- 14 a. One public school health education teacher.
15 b. One representative from the Smart Start Program.
16 c. One pediatrician.
17 d. One psychiatrist, specializing in obesity.
18 e. One school administrator.
19 Professional associations representing teachers, school administrators,
20 and the medical community may recommend appointees to the
21 President Pro Tempore of the Senate.
- 22 (11) Five members appointed by the Speakers of the House of
23 Representatives. In making these appointments, the Speakers of the
24 House of Representatives shall appoint the following:
- 25 a. One public school physical education specialist.
26 b. One representative from the More At Four Program.
27 c. One dentist.
28 d. One member of the research community addressing the obesity
29 epidemic.
30 e. One school administrator.
31 Professional associations representing teachers, school administrators,
32 and dentists may recommend appointees to the Speakers of the House
33 of Representatives.
- 34 (12) One representative of the vending machine industry, who is appointed
35 by the Health and Wellness Trust Fund Commission, after receiving
36 recommendations from the North Carolina Citizens for Business and
37 Industry.
- 38 (13) One nutritionist, who is appointed by the Health and Wellness Trust
39 Fund Commission, after receiving recommendations from professional
40 associations.
- 41 (14) One economist, with expertise in the socioeconomic issues associated
42 with obesity, who is appointed by the Health and Wellness Trust Fund
43 Commission, after receiving recommendations from the research
44 community.

1 Each of the following organizations or agencies may select a representative
2 from its organization or agency to advise the Commission. These members shall provide
3 information to the Commission about the obesity epidemic in North Carolina: North
4 Carolina Department of Health and Human Services, Division of Public Health; North
5 Carolina Department of Public Instruction, Child Nutrition Services; Be Active North
6 Carolina, Inc.; NC Prevention Partners; American Cancer Society Inc.; American Heart
7 Association Inc.; Action for Healthy Kids NC; Healthy Weight Initiative; and the Office
8 of the Governor.

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

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

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

19 **SECTION 14.5.** The Commission shall make recommendations that include
20 the following:

- 21 (1) Nutritional guidelines for food served in public schools outside of the
22 National School Lunch and School Breakfast Programs.
- 23 (2) Physical education in public schools.
- 24 (3) Physical activities in public schools.
- 25 (4) Healthy and nutritional behavior by North Carolina students and, when
26 possible, their families.

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

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

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

42 **SECTION 14.7.** The Commission shall submit a final written report of its
43 findings and recommendations to the Joint Legislative Health Care Oversight
44 Committee, the Joint Legislative Education Oversight Committee, and the Health and

1 Wellness Trust Fund Commission no later than Friday, May 7, 2004. The final report
2 may contain a summary of recommendations for changes to any law, rule, and policy
3 that would lower or eradicate the obesity rates in North Carolina and our schools. Upon
4 the earlier of the filing its final report or May 7, 2004, the Commission shall terminate.

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

11 **PART XV. ENVIRONMENTAL REVIEW COMMISSION STUDIES**

12
13 **SECTION 15.1.** The Environmental Review Commission may study the
14 topics listed in this part and report its findings, together with any recommended
15 legislation, to the 2004 Regular Session of the 2003 General Assembly or to the 2005
16 Regular Session of the 2005 General Assembly upon its convening.

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

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

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

- 26 (1) The economic impact of water conservation measures.
- 27 (2) The balance between protecting water supply and economic impact on
28 local communities.
- 29 (3) Recommendations on establishing consistency across the State with
30 respect to Classes of Water use, specifically the use of the terms
31 essential and nonessential use.

32 **SECTION 15.5.** Plan to Share Floodplain Mapping Information (H.J.R..
33 1157 – Daughtridge) – The Commission may study whether the information compiled
34 on a regular basis by the Statewide Floodplain Mapping Unit would be useful and
35 relevant to dam operators, local agencies, and State agencies with regard to making
36 decisions about coordinating and controlling water releases from dams, flood control,
37 floodplain management, and emergency evacuation procedures. If it undertakes this
38 study, the Commission may consider the type of information compiled by the Statewide
39 Floodplain Mapping Unit and the value of that information in assisting with decisions
40 regarding flood control techniques, floodplain management, and the time, frequency,
41 and manner of water releases from dams. The Commission may also consider the
42 feasibility of making that information readily available to dam operators, appropriate
43 local agencies, and appropriate State agencies. The Commission may also consider
44 whether it is appropriate to incorporate the information available from the Statewide

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

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

- 10 (1) The adequacy of current funding levels, additional funding needs, and
11 funding options, including increasing fees to cover the cost of
12 permitting, inspections, and enforcement.
- 13 (2) Options to improve efficiency and reduce costs, including the
14 consolidation of permitting, inspection, and enforcement functions.
- 15 (3) The adequacy of current staffing levels.
- 16 (4) Options to improve coordination among programs.
- 17 (5) The adequacy of current inspection and enforcement activities and
18 options to improve compliance with environmental laws and rules,
19 including improvements in the use of civil penalties.

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

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

27 **PART XVI. UNC BOARD OF GOVERNORS STUDY COMMISSION**

28 **SECTION 16.1.** There is created the UNC Board of Governors Study
29 Commission. The Commission shall consist of 10 members appointed as follows: five
30 by the President Pro Tempore of the Senate and five by the Speakers of the House of
31 Representatives. The Speakers of the House of Representatives shall appoint a cochair
32 and the President Pro Tempore of the Senate shall appoint a cochair for the
33 Commission. Vacancies on the Commission shall be filled by the appointing authority.
34 The Commission shall meet upon the call of the chairs. A majority of the members of
35 the Commission shall constitute a quorum.

36 **SECTION 16.2.** The Commission shall study the method of election or
37 appointment of members of the Board of Governors, the length of members' terms, the
38 number of terms a member may serve, and the size of the Board of Governors. As part
39 of the study, the Commission may examine the governing boards of other states'
40 institutions of higher education. The Commission shall report its findings and any
41 recommendations to the 2005 Regular Session of the General Assembly.
42
43

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

4 **SECTION 16.4.** Subject to the approval of the Legislative Services
5 Commission, the Commission may meet in the State Legislative Building or the
6 Legislative Office Building. The Legislative Services Commission, through the
7 Legislative Services Officer, shall assign professional staff to assist in the work of the
8 Commission. The House of Representatives' and the Senate's Supervisors of Clerks
9 shall assign clerical staff to the Commission, and the expenses relating to the clerical
10 employees shall be borne by the Commission. All State departments and agencies and
11 local governments and their subdivisions shall furnish the Commission with information
12 in their possession or available to them. Of the funds appropriated to the General
13 Assembly, the Legislative Services Commission shall allocate funds for the expenses of
14 the Commission established by this Part.

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

16 **SECTION 16.6.** The Commission shall terminate upon the filing of its final
17 report.

18
19 **PART XVII. WILDLIFE RESOURCES COMMISSION STUDY (S.B. 790 –**
20 **Queen)**

21
22 **SECTION 17.1.** The Wildlife Resources Commission may study the current
23 state of trout fishing in Western North Carolina and determine methods for:

- 24 (1) Expanding the management of, and access to, trout water resources for
25 trout production, environmental improvements, and water trails and
26 greenway improvements.
27 (2) Promoting trout as an important aspect of the region's identity.
28 (3) Otherwise enhancing trout fishing in the streams of Western North
29 Carolina.

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

33
34 **PART XVIII. GENERAL STATUTES COMMISSION STUDY (H.B. 1198 –**
35 **Alexander)**

36
37 **SECTION 18.1.** The General Statutes Commission may recommend
38 legislation to amend the General Statutes to delete the words "handicap" and
39 "handicapped" whenever they appear and substitute the appropriate phrase to describe
40 persons with disabilities, unless the words are required by federal law or describe some
41 other situation. If undertaken, the report shall be made to the General Assembly no later
42 than April 1, 2004.

1 **PART XIX. DEPARTMENT OF ADMINISTRATION STUDY (H.B. 1146 –**
2 **Nesbitt)**

3
4 **SECTION 19.1.** The Department of Administration may study retainage
5 from payment on public construction projects. If it undertakes this study, the
6 Department shall consider the following:

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

27 **SECTION 19.2.** The Department shall report the results of its study to the
28 2004 Regular Session of the 2003 General Assembly upon its convening.

29
30 **PART XX. WORKFORCE NEEDS STUDY COMMISSION (Lucas of Durham)**

31
32 **SECTION 20.1.** There is created the Workforce Needs Study Commission
33 ("Commission"). The Commission shall consist of 15 members appointed as follows:

- 34 (1) Five members appointed by the Governor, to include:
 - 35 a. One person who is knowledgeable about unemployment
36 insurance laws.
 - 37 b. One person who is knowledgeable about State and federal labor
38 laws.
 - 39 c. One person who is knowledgeable about State and federal
40 taxes.
 - 41 d. One person who represents an organization whose primary
42 purpose is to represent the interests of women.
 - 43 e. One person who is knowledgeable about the State's public
44 education system.

- 1 (2) Five members appointed by the Speakers of the House of
2 Representatives, to include:
3 a. Three members of the House of Representatives.
4 b. One person who is a working citizen of low- to
5 moderate-income.
6 c. One person from a private business or firm employing 200 or
7 more employees in this State.
8 (3) Five members appointed by the President Pro Tempore of the Senate,
9 to include:
10 a. Three members of the Senate.
11 b. One person who represents an organization whose primary
12 purpose is to represent the interests of workers.
13 c. One person from a private business or firm employing fewer
14 than 200 employees in this State.

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

- 16 (1) Identify a basic needs budget for North Carolina families and
17 determine the income and hourly wage needed to support the basic
18 needs budget.
19 (2) Determine the extent to which current labor market participation and
20 wages enable individuals and families to earn the income necessary to
21 meet their basic needs.
22 (3) Determine how many North Carolinians work and earn an adequate
23 basic needs income and study trends in the size, geographic, and
24 demographic profiles of these groups. To the extent possible, county
25 level data should be used to study trends in counties and regions of the
26 State.
27 (4) Examine job market factors that contribute to any changes in the
28 composition and numbers of those working but unable to meet their
29 basic needs including, but not limited to, shifts from manufacturing to
30 service, from full-time to part-time work, from permanent to
31 temporary or other contingent employment, and geographic location of
32 economic development.
33 (5) Examine the impact on the State's economy, employment and wages of
34 the decreased barriers to free trade among countries that has resulted
35 from NAFTA, GATT and other federal free trade agreements, and
36 examine the impact of mass layoffs and plant closings in rural and
37 urban counties and assess the future of North Carolina industry in the
38 new economy.
39 (6) Examine the efficacy of current and proposed economic development
40 efforts and evaluate what types of jobs and wages they have brought to
41 the State, explore other options for increasing jobs that pay a wage
42 adequate to meet families' basic needs budget, and identify future
43 industries that may be viable for development in North Carolina.

- 1 (7) Explore other public and private initiatives that could increase
2 household income to an amount adequate to support a basic needs
3 income budget.
- 4 (8) Evaluate the effectiveness of the public school system to educate
5 students about budgeting and economic literacy skills and about their
6 role as consumers and workers in contemporary society.
- 7 (9) Examine the efficacy of a State-earned income tax credit to enable
8 working families to meet the requirements of a basic needs income
9 budget.
- 10 (10) Examine the wages, benefits, and protections available to part-time
11 and temporary workers, leased employees, independent contractors,
12 and other contingent workers as compared to regular full-time
13 workers.
- 14 (11) Examine the number, household structure, and demographics of
15 workers earning close to the federal minimum wage, the economic
16 effects in North Carolina of the past increases in the federal minimum
17 wage, and economic effects in other states that have implemented
18 minimum wages higher than the federal minimum, including, but not
19 limited to, the impact on public assistance payments, competitiveness
20 of employers, and other employee benefits.
- 21 (12) Consider any other matter that the Commission finds relevant to its
22 charge.

23 **SECTION 20.3.** 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. The Commission may contract for consultant services as provided by G.S.
26 120-32.02. Upon approval of the Legislative Services Commission, the Legislative
27 Services Officer shall assign professional and clerical staff to assist in the work of the
28 Commission. Clerical staff shall be furnished to the Commission through the offices of
29 the House of Representatives and Senate Supervisors of Clerks. The Commission may
30 meet in the Legislative Building or the Legislative Office Building upon the approval of
31 the Legislative Services Commission. The Commission, while in discharge of official
32 duties, may exercise all the powers provided under the provisions of G.S. 120-19
33 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and
34 departments of the State to provide any information, data, or documents within their
35 possession, ascertainable from their records, or otherwise available to them, and the
36 power to subpoena witnesses. Members of the Commission shall receive per diem,
37 subsistence, and travel allowances at the rate established in G.S. 120-3.1, 138-5, or
38 138-6, as appropriate. Vacancies shall be filled by the appointing authority.

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

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

4
5 **PART XXI. STUDY COMMISSION ON PROVIDING AN APPROPRIATE**
6 **EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION (H.B. 1135 –**
7 **Preston, L. Johnson, Parmon, Nesbitt; Womble)**

8
9 **SECTION 21.1.** There is created a Study Commission on Providing an
10 Appropriate Education for Students on Long-Term Suspension to study the feasibility
11 and cost of developing a State plan to ensure that students recommended for long-term
12 suspension receive an appropriate education. The Commission shall consist of the
13 following members:

- 14 (1) The Chair of the State Board of Education or the Chair's designee.
- 15 (2) The Superintendent of Public Instruction or the Superintendent's
16 designee.
- 17 (3) The Secretary of Juvenile Justice and Delinquency Prevention or the
18 Secretary's designee.
- 19 (4) The Director of the Division of Mental Health, Developmental
20 Disabilities, and Substance Abuse Services or the Director's designee.
- 21 (5) Three educators, appointed by the Chair of the State Board of
22 Education, who have experience dealing with students recommended
23 for long-term suspension.
- 24 (6) Two members of the Senate and two members of the House of
25 Representatives who are members of the Joint Legislative Education
26 Oversight Committee, appointed by the cochairs of that Committee.

27 In the course of its study, the Commission shall consult with representatives of parents,
28 teachers, students, school boards, county commissioners, or other interested parties. The
29 Commission shall consult with the Communities In Schools Program, the North
30 Carolina Child Advocacy Institute, the North Carolina Justice and Community
31 Development Center, and the Covenant with North Carolina's Children as it undertakes
32 this study.

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

- 35 (1) Local school administrative units in North Carolina shall provide or
36 cause to be provided an appropriate education for all students
37 recommended for a long-term suspension.
- 38 (2) Each student recommended for long-term suspension shall receive a
39 multidisciplinary assessment and evaluation to (i) ascertain his or her
40 educational history, needs, and special learning problems and (ii)
41 assess the risk the child poses to staff and other students. The
42 assessment and evaluation shall include feedback and
43 recommendations from local mental health and juvenile justice
44 professionals.

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

29 **SECTION 21.3.** The Speakers of the House of Representatives shall appoint
30 a cochair, and the President Pro Tempore of the Senate shall appoint a cochair for the
31 Commission. The Commission may meet at any time upon the joint call of the cochairs.
32 Vacancies on the Commission shall be filled by the same appointing authority as made
33 the initial appointment.

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

38 Subject to the approval of the Legislative Services Commission, the
39 Commission may meet in the Legislative Building or the Legislative Office Building.
40 The Legislative Services Commission, through the Legislative Services Officer, shall
41 assign professional staff to assist the Commission in its work. The House of
42 Representatives' and the Senate's Supervisors of Clerks shall assign clerical support staff
43 to the Commission, and the expenses relating to the clerical employees shall be borne

1 by the Commission. Members of the Commission shall receive subsistence and travel
2 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

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

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

11
12 **PART XXII. NORTH CAROLINA BUILDING CODE COUNCIL STUDY**
13 **(Culpepper)**

14
15 **SECTION 22.1.** The General Assembly finds that the affordability of
16 housing is an important issue and that the State should endeavor to ensure that State
17 regulation does not unnecessarily increase the cost of housing. To that end, the North
18 Carolina Building Code Council shall study the Residential Building Code to determine
19 which provisions, if any, are unnecessary, outdated, overly stringent, or otherwise
20 unduly increase the cost of housing.

21 **SECTION 22.2.** The Building Code Council may submit an interim report to
22 the 2004 Regular Session of the 2003 General Assembly and shall submit a final report
23 of the findings of its study, including any recommendations for statutory changes, to the
24 2005 General Assembly upon its convening.

25
26 **PART XXIII. NORTH CAROLINA STUDY COMMISSION ON AGING STUDY**

27
28 **SECTION 23.1.** The North Carolina Study Commission on Aging may
29 study the topic listed in this part and report its findings, together with any recommended
30 legislation, to the 2004 Regular Session of the 2003 General Assembly and shall make a
31 final report to the 2005 Regular Session of the 2005 General Assembly upon its
32 convening.

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

- 39 (1) The extent to which electrical service should be provided, both
40 between and within care settings, including how much generator
41 capacity should be required.
42 (2) The logistical and monetary factors that are barriers to requiring
43 emergency electrical power and options to address those barriers,
44 including providing a funding mechanism for purchasing generators.

1 (3) The coordination between facilities and local and State emergency
2 management during power outages.

3 (4) Sources of funding for any mandate.

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

8
9 **PART XXIV. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON**
10 **MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE**
11 **ABUSE SERVICES STUDIES**

12
13 **SECTION 24.1.** The Joint Legislative Oversight Committee on Mental
14 Health, Developmental Disabilities, and Substance Abuse Services may study the topics
15 listed in this part and report its findings, together with any recommended legislation, to
16 the 2004 Regular Session of the 2003 General Assembly and shall make a final report to
17 the 2005 Regular Session of the 2005 General Assembly upon its convening.

18 **SECTION 24.2.** Integration of care for children with multiple system
19 service needs (H.B. 169 – Insko; S.B. 262 – Foxx, Metcalf, Allran, Dannelly, Lucas,
20 Purcell) – The Committee shall conduct a comprehensive review of the State's system of
21 care for children with multiple system service needs. The purpose of the comprehensive
22 review is to determine the extent to which children who need services from multiple
23 State and local agencies in this system are or are not receiving those services in a timely
24 manner, the effectiveness of the services provided, the potential long-term impact on the
25 children, their families, and State and local resources of not providing all services in a
26 timely and cost-effective manner, and to make detailed recommendations on the system
27 changes necessary to address the problems identified as quickly as possible.
28 Recommendations on system changes shall include programmatic and funding changes,
29 and an analysis and estimate of implementation costs and projected cost-savings to the
30 State in future years. In order to ensure a dedicated focus and appropriate expertise for
31 the comprehensive review, the Committee shall convene a task force to conduct the
32 review. The task force shall be comprised of the cochairs of the Oversight Committee,
33 the Joint Legislative Education Oversight Committee, the Joint Legislative Corrections,
34 Crime Control, and Juvenile Justice Oversight Committee, the Joint Legislative Health
35 Care Oversight Committee, and other individuals appointed by the cochairs of the
36 Oversight Committee upon recommendation of the other members of the task force.

37 In conducting its review, the task force shall consider thoroughly all of the
38 following:

39 (1) State-of-the-art approaches to services to children with multiple
40 system service needs as the basis of reform in North Carolina.

41 (2) Evidence-based best practices in North Carolina and elsewhere for
42 potential systemwide adoption.

43 (3) Barriers to access for developing a uniform access process to
44 implement a "no wrong door" policy such that children and families

1 may enter any service access point but will be afforded seamless
2 access to all necessary services.

3 (4) Initiatives taken or under consideration in other states to ensure a
4 unified approach to system services, including the feasibility of
5 establishing a funding consortium for pooling resources of all involved
6 agencies in order to streamline access to the system by children and
7 involvement in the system by service providers.

8 (5) Ways to improve the multidisciplinary identification and evaluation of
9 children's multiple service needs and the communication of those
10 needs to all appropriate service providers.

11 (6) The extent to which children currently in the juvenile justice system
12 have not received adequate and appropriate educational, mental health,
13 or other health services, and the reasons why the children have not
14 been adequately served.

15 (7) Information from the Department of Public Instruction and other
16 organizations showing the number of children who have been
17 suspended or expelled from public school, the reasons for the
18 suspension or expulsion, the number of these children who have
19 received alternative placements to ensure that they are being
20 adequately and appropriately served by State and local service
21 systems.

22 (8) Necessary changes to North Carolina service systems involving mental
23 health, developmental disabilities, and substance abuse services, social
24 services, education services, juvenile justice, and other related service
25 systems that will enable these systems to work together to ensure
26 effective and timely access to services for children and their families.

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

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

35
36 **PART XXV. DEPARTMENT OF CULTURAL RESOURCES/COMMISSION OF**
37 **INDIAN AFFAIRS STUDY (H.B. 747 – Sutton)**

38
39 **SECTION 25.1.** The Department of Cultural Resources and the Commission
40 of Indian Affairs of the Department of Administration may jointly study the future of
41 the North Carolina Archaeological Collection, which is currently maintained by the
42 Research Laboratories of Archaeology at the University of North Carolina at Chapel
43 Hill. If the study is undertaken, the Department and the Commission shall consider the
44 steps necessary to ensure the future preservation of the collection and the need to use

1 the collection to its fullest potential as a resource for research, teaching, and other public
2 programs.

3 **SECTION 25.2.** If the study is undertaken, the Department of Cultural
4 Resources and the Department of Administration shall report their findings and
5 recommendations to the 2004 Regular Session of the 2003 General Assembly and shall
6 include a specific recommendation on a permanent home for the collection where it can
7 be safely housed and where a permanent facility can be established in which the
8 collection can be exhibited for the benefit of the public.

9
10 **PART XXVI. JOINT COMMITTEE ON EXECUTIVE BUDGET ACT**
11 **REVISIONS STUDY (Culpepper, Clodfelter)**

12
13 **SECTION 26.1.** The Joint Committee on Executive Budget Act Revisions
14 created in S.L. 2003-284, Sec. 6.12(a), shall consider the issues raised by the provisions
15 contained in House Bill 1218 and Senate Bill 726 and include any recommendations
16 concerning those issues in its report to the General Assembly required under S.L.
17 2003-284, Sec. 6.12(b).

18
19 **PART XXVII. SENATE SELECT COMMITTEE ON INSURANCE AND CIVIL**
20 **JUSTICE REFORM (Basnight)**

21
22 **SECTION 27.1.** The Senate Select Committee on Insurance and Civil
23 Justice Reform that was established during the 2003 Session of the General Assembly
24 by the President Pro Tempore of the Senate, pursuant to Rule 31 of the Senate Rules
25 and G.S. 120-19.6, is hereby confirmed.

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

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

- 29 (1) Improvement of patient care issues, including improved peer review
30 system, errors data collection, and efforts to encourage remediation by
31 health care providers;
- 32 (2) Medical malpractice insurance reforms including the benefits of
33 experience rating, claims reporting, rate stabilization, prior approval of
34 rates, central reporting of claims, and expense reporting;
- 35 (3) Litigation reforms, including itemization of damages, reduction of
36 litigation expenses, appeal bonds, prevention of frivolous litigation,
37 evidentiary issues, collateral source rule, and deferred payment of
38 judgments;
- 39 (4) Limits on personal liability, including caps on noneconomic damages,
40 excess liability funds, shared risk pools, no-fault procedure for certain
41 claims and certain medical providers;
- 42 (5) Improve incentives to enhance medical provider services in rural areas,
43 including tax credits and other incentives;

- 1 (6) Improve medical provider licensure, including strengthening oversight
2 process and governance, and more public disclosure of disciplinary
3 actions;
- 4 (7) Other reform issues, including capping attorneys' fees, shortening
5 statutes of limitations, and modifying joint and several liability; and
- 6 (8) Any other matters or issues the Committee determines to be relevant.

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

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

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

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

22 **SECTION 27.8.** The members of the Select Committee serve at the pleasure
23 of the President Pro Tempore of the Senate. The President Pro Tempore may dissolve
24 the Select Committee at any time.

25
26 **PART XXVIII. JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND**
27 **AQUACULTURE STUDY (H.B. 758 – Stiller)**

28
29 **SECTION 28.1.** The Joint Legislative Commission on Seafood and
30 Aquaculture may study whether it should be unlawful to take shrimp with trawl nets in
31 certain inland waters. The Commission may report the results of its findings, together
32 with any recommended legislation, to the 2004 Regular Session of the 2003 General
33 Assembly and shall make a report to the 2005 Regular Session of the 2005 General
34 Assembly upon its convening.

35
36 **PART XXIX. ADMINISTRATIVE OFFICE OF THE COURTS/DEPARTMENT**
37 **OF CORRECTION STUDY (H.B. 890 – Eddins, Holliman)**

38
39 **SECTION 29.1.** The Administrative Office of the Courts and the
40 Department of Correction shall jointly study the processes for the collection and
41 payment of restitution in this State, and shall determine methods for reducing the
42 number of restitution payments that go unclaimed. The Administrative Office of the
43 Courts and the Department of Correction shall report their findings and
44 recommendations to the 2004 Regular Session of the 2003 General Assembly.

1
2 **PART XXX. JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL,**
3 **AND JUVENILE JUSTICE OVERSIGHT COMMITTEE STUDIES**
4

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

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

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

- 22 (1) A comparison of the role and responsibilities of the North Carolina
23 Sentencing and Policy Advisory Commission with regard to structured
24 sentencing with the role and responsibilities of the Commission's
25 federal counterpart.
26 (2) The effectiveness of both the State and federal systems in adjusting the
27 sentencing grid and the factors considered in the sentencing process so
28 that the sentencing range available to the court is appropriate for the
29 crime committed and also allows appropriate flexibility for the court to
30 consider the circumstances on a case-by-case standard.
31 (3) The effect of the structured sentencing system at the State and federal
32 levels on the number of prison beds required and whether regular
33 periodic adjustments of the sentencing structure that take into account
34 both the nature of the crimes most often committed, the effectiveness
35 of the punishments imposed, and the increase or decrease in prison
36 populations provides a more equitable and economic criminal justice
37 system.
38 (4) Any other issue relevant to this study.
39

40 **PART XXXI. STUDY COMMISSION ON INDIAN GAMING (Culpepper)**
41

42 **SECTION 31.1.** The Study Commission on Indian Gaming in North
43 Carolina is created. The Commission shall consist of voting members as follows:

- 1 (1) Four members of the House of Representatives to be appointed by the
2 Speakers of the House of Representatives, with one of the members to
3 be designated as Cochair;
- 4 (2) Four members of the Senate to be appointed by the President Pro
5 Tempore of the Senate, with one of the members to be designated as
6 Cochair;
- 7 (3) Two members to be appointed by the Governor;
- 8 (4) The Principal Chief, Eastern Band of Cherokee Indians, or designee;
9 and
- 10 (5) One representative of any federally recognized Indian tribe with
11 federal Indian lands located in North Carolina on the effective date of
12 this act, other than the Eastern Band of Cherokee Indians, appointed by
13 the Governor.

14 The Commission shall meet upon the call of the Cochairs. A majority of the
15 Commission shall constitute a quorum for the transaction of business.

16 **SECTION 31.2.** The Commission shall examine any issues regarding
17 current and future Indian gaming pursuant to the federal Indian Gaming Regulatory Act,
18 including: the statutory framework for the formation, negotiation, and endorsement of
19 Tribal-State compacts; the formation of a permanent Indian Gaming Commission;
20 potential amendments to the current compact; and the entry into future compacts.

21 **SECTION 31.3.** The Commission may contract for consultant services as
22 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
23 the Legislative Services Officer shall assign professional and clerical staff to assist in
24 the work of the Commission. Clerical staff shall be furnished to the Commission
25 through the offices of the House of Representatives and Senate Supervisors of Clerks.
26 The Commission may meet in the Legislative Building or the Legislative Office
27 Building upon the approval of the Legislative Services Commission. The Commission,
28 while in the discharge of official duties, may exercise all the powers provided under the
29 provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all
30 officers, agents, agencies, and departments of the State to provide any information, data,
31 or documents within their possession, ascertainable from their records, or otherwise
32 available to them, and the power to subpoena witnesses.

33 Members of the Commission shall receive per diem, subsistence, and travel
34 allowances as follows:

- 35 (1) Commission members who are members of the General Assembly at
36 the rate established in G.S. 120-3.1;
- 37 (2) Commission members who are officials or employees of the State or of
38 local government agencies at the rate established in G.S. 138-6; and
- 39 (3) All other Commission members at the rate established in G.S. 138-5.

40 **SECTION 31.4.** The Commission shall make a report to the 2004 Session of
41 the 2003 General Assembly, which may contain recommendations. The Commission
42 shall terminate upon filing its report.

1 **SECTION 31.5.** Of the funds appropriated to the General Assembly, the
2 Legislative Services Commission shall allocate funds for the expenses of the
3 Commission established by this Part.

4
5 **PART XXXII. DEPARTMENT OF TRANSPORTATION STUDY WITH THE**
6 **STATE TREASURER (McComas)**

7
8 **SECTION 32.1.** The Department of Transportation and Department of State
9 Treasurer shall jointly study and develop a proposal to provide appropriate debt
10 financing to accelerate the construction schedule for the Wilmington Bypass project
11 identified in G.S. 136-180(a). The study shall address financial, legal, and practical
12 issues involved in various financing options including special indebtedness under
13 Article 9 of Chapter 142 of the General Statutes, revenue bonds supported by toll
14 revenues, and other appropriate types of debt.

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

19
20 **PART XXXIII. OFFICE OF STATE BUDGET AND MANAGEMENT STUDY**
21 **(Sherrill)**

22
23 **SECTION 33.1.** The Office of State Budget and Management shall conduct
24 an analysis of the structure and operation of the Department of Public Instruction. The
25 analysis shall identify potential efficiencies and savings in the operation of the
26 Department. The analysis may consider consolidation of functions with other agencies
27 and automation of functions.

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

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

33
34 **PART XXXIV. BLUE RIBBON TASK FORCE ON MEDICAL MALPRACTICE**
35 **(H.R. 1027 – Carney, Earle, Bordsen, Dickson)**

36
37 **SECTION 34.1.** There is established the House of Representatives' Blue
38 Ribbon Task Force on Medical Malpractice. The Task Force shall function and have the
39 power of an interim study committee as set forth in G.S. 120-19.6(a1). The Task Force
40 shall conduct a study of medical malpractice and make comprehensive
41 recommendations for fundamental reform. In undertaking its study, the Task Force
42 shall consider the following:

- 43 (1) The complex causes of and remedies for medical malpractice.

- 1 (2) Rapidly escalating professional liability premiums for health care
- 2 providers.
- 3 (3) The impact of medical malpractice issues on health care accessibility
- 4 in North Carolina.
- 5 (4) Other matters related to medical malpractice and its impact on health
- 6 care access.

7 **SECTION 34.2.** The Speakers of the House of Representatives shall appoint
8 26 members to the Blue Ribbon Task Force composed of members of the House of
9 Representatives and a balanced representation of the insurance industry, health care
10 consumers, medical providers, trial lawyers, and related interest groups.

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

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

17
18 **PART XXXV. ECONOMIC DEVELOPMENT BOARD TASK FORCE STUDY**
19 **(Black, Morgan)**

20
21 **SECTION 35.1.(a)** The Economic Development Board shall establish a
22 Small Business Task Force to examine and evaluate the responsiveness of the State to
23 North Carolina small businesses and to make recommendations on small business
24 economic development initiatives. The Task Force shall study the following issues:

- 25 (1) Agencies and programs that provide developmental and expansion
- 26 assistance to new and existing small businesses to determine the
- 27 effectiveness of existing services and the need for alternative or
- 28 additional services.
- 29 (2) The impact of State tax laws on small business, including
- 30 recommendations for reform of the tax code to better promote small
- 31 businesses.
- 32 (3) Fiscal and tax policies affecting small businesses in other states.
- 33 (4) The need for a centralized agency to provide assistance to small
- 34 businesses in obtaining any necessary licenses or permits.
- 35 (5) The need for a comprehensive communications strategy for small
- 36 businesses that may include any of the following:
 - 37 a. Intra-agency and interagency communication and coordination
 - 38 of small business assistance for the increased benefit of North
 - 39 Carolina's small businesses.
 - 40 b. Needs or provider assistance surveys of North Carolina
 - 41 businesses every two years.
 - 42 c. Existing websites or the creation of a website that is designed
 - 43 specifically for start-up businesses and small business owners
 - 44 and managers and that includes information on government

1 financial assistance programs, permits, licenses, taxes and tax
2 incentives, and links to sources of local information.

3 d. The exchange of public information between the Department of
4 Commerce and its partners and allies.

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

7 (7) Other matters relating to small business concerns.

8 **SECTION 35.1.(b)** The Chair of the Economic Development Board shall
9 appoint up to 15 members of the Board to serve on the Small Business Task Force. The
10 Chair's appointments to the Task Force must include at least one member of the Senate
11 appointed to the Board by the President Pro Tempore of the Senate and at least one
12 member of the House of Representatives appointed to the Board by the Speaker of the
13 House of Representatives. The Chair of the Economic Development Board shall
14 appoint a chair of the Task Force.

15 **SECTION 35.1.(c)** The Small Business Task Force shall make an interim
16 report to the Economic Development Board no later than May 7, 2004, and a final
17 report to the Board no later than January 14, 2005. The report shall include the findings
18 of the Task Force and a summary of any recommendations for changes. The Economic
19 Development Board may make an interim report to the 2004 Regular Session of the
20 2003 General Assembly and a final report to the 2005 General Assembly."

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

24 (1) A specific target number of new jobs to be created in the State. The
25 target number shall be broken down by county and Region and by new
26 and existing businesses.

27 (2) A specific target rate of unemployment for the State and for each
28 county and Region.

29 (3) An estimate of the number of jobs that will be lost in the State and
30 each county and Region.

31 (4) A specific target dollar amount of new capital investment in the State
32 and in each Region.

33
34 **PART XXXVI. UNC BOARD OF GOVERNORS STUDY FEASIBILITY OF**
35 **FORGIVENESS OF STUDENT DEBT PROGRAM**

36
37 **SECTION 36.1.** The Board of Governors of The University of North
38 Carolina, in conjunction with the North Carolina State Education Assistance Authority,
39 may study the feasibility of a program that would forgive student indebtedness for
40 teachers who have continuing certification in and are teaching in the disciplines of
41 mathematics, science, or special education. The Board shall report the results of its
42 study to the Joint Legislative Education Oversight Committee by February 15, 2004.

43
44 **PART XXXVII. STATE BOARD OF EDUCATION STUDY**

1
2 **SECTION 37.1.** The State Board of Education shall study issues related to
3 effective recruitment and retention of teachers for the North Carolina public schools. In
4 the course of this study, the State Board of Education shall consider:

- 5 (1) Impediments to effective teacher recruitment and retention;
6 (2) Strategies for increasing the effectiveness or recruitment and retention
7 efforts;
8 a. Modifications to teacher salaries and benefits that will ensure
9 that teacher compensation in North Carolina remains at or
10 above the national average, thereby better enabling the public
11 schools to recruit and retain highly qualified teachers. The State
12 Board may consider:
13 1. Increased salaries for beginning teachers to make the
14 profession more attractive at the entry level;
15 2. Increased salaries for teachers at those points at which
16 higher numbers of teachers leave the teaching
17 profession;
18 3. Retirement options to teachers with 30 years of
19 experience that will provide opportunities for those
20 highly skilled and experienced teachers to continue in
21 service;
22 4. Differentiated salary opportunities for teachers who
23 demonstrate exemplary teaching skills, work in certain
24 areas of certification, work in hard-to-staff schools, or
25 serve as mentors, school improvement team leaders, or
26 leaders in a Quality Teacher as Leader Program;
27 5. Other modifications to teacher salaries and benefits
28 necessary to recruit and retain highly qualified teachers
29 in the public schools.
30 b. Tax incentives to encourage experienced teachers to remain in
31 the teaching profession;
32 c. Locally designed initiatives to facilitate teacher recruitment and
33 retention;
34 d. Strategies for increasing the number of highly qualified
35 beginning teachers such as:
36 1. Expanding teacher preparation programs;
37 2. Expanding scholarship loan programs for prospective
38 teachers to recruit the most qualified high school
39 students to the teaching profession; and
40 3. Ensuring that graduates of teacher preparation programs
41 are well prepared to meet teacher-certification
42 requirements;
43 e. Strategies for giving beginning teachers the opportunity to
44 develop into skilled professionals such as assigning them to

1 teach only in their area of certification and minimizing their
2 noninstructional duties;

3 f. Strategies for ensuring that school-based administrators are
4 adequately trained to provide support for both experienced and
5 inexperienced teachers and that they provide that support;

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

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

10 i. The availability of communications devices in the classroom.

11 **SECTION 37.2.** The State Board of Education shall report its findings and
12 recommendations to the Joint Legislative Education Oversight Committee prior to
13 February 15, 2004.

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

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

25 **SECTION 38.2.** Members. – The Commission shall consist of 12 members
26 as provided in this subsection. The following individuals shall serve ex officio: (i) the
27 chair of the Pender County Board of Commissioners or another member of the board
28 designated by the chair and (ii) the chair of the New Hanover County Board of
29 Commissioners or another member of the board designated by the chair. Five members
30 shall be appointed by the Speaker of the House of Representatives as follows: two
31 members of the House of Representatives, an individual nominated by the Cape Fear
32 Regional Growth Team, an individual from New Hanover County who represents
33 Wilmington Industrial Development, Inc., also known as the Wilmington Committee of
34 100, and an owner of property abutting the Highway 421 Industrial Corridor in New
35 Hanover County. Five members shall be appointed by the President Pro Tempore of the
36 Senate as follows: two members of the Senate, an individual nominated by the Cape
37 Fear Regional Growth Team, an individual from Pender County who represents
38 Wilmington Industrial Development, Inc., also known as the Wilmington Committee of
39 100, and an owner of property abutting the Highway 421 Industrial Corridor in Pender
40 County.

41 **SECTION 38.3.** Administration. – The Speakers of the House of
42 Representatives shall designate one Representative as cochair, and the President Pro
43 Tempore of the Senate shall designate one Senator as cochair. Any vacancy on the

1 Commission shall be filled by the appointing authority that made the initial
2 appointment. The Commission shall expire upon delivering its final report.

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

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

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

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

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

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

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

4
5 **PART XXXIX. DEPARTMENT OF CORRECTION STUDY (S.B. 1014 – Berger)**

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

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

19
20 **PART XXXX. AGRICULTURE AND FORESTRY AWARENESS STUDY**
21 **COMMISSION STUDIES**

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

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

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

36
37 **PART XXXXI. ELECTION LAWS REVISION COMMISSION (Gulley of**
38 **Durham)**

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

- 1 (1) The President Pro Tempore of the Senate shall appoint four members,
2 including at least one county board of elections member, with no more
3 than three of the four affiliated with the same political party.
- 4 (2) The Speakers of the House of Representatives shall appoint four
5 members, including at least one county elections director, with no
6 more than three of the four affiliated with the same political party.
- 7 (3) The Governor shall appoint four members, including at least one
8 county commissioner and at least one minority-party member of the
9 State Board of Elections.

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

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

18 **SECTION 41.3.** The Election Laws Revision Commission shall study the
19 following:

- 20 (1) The election laws, policies, and procedures of the State.
- 21 (2) The administration of those laws, policies, and procedures at the State
22 and local levels and the responsibilities of those administering these
23 laws.
- 24 (3) The election laws, policies, and procedures of other states and
25 jurisdictions.
- 26 (4) Federal and State case rulings impinging on these laws, policies, and
27 practices.
- 28 (5) Public funding of election campaigns, including the advisability and
29 proper design of a system to allow public funds to be used to support
30 the campaigns of candidates for Governor, Lieutenant Governor, other
31 Council of State officers, and the General Assembly who agree to
32 abide by fund-raising and spending limits.
- 33 (6) APA exemption for the State Board of Elections.

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

- 37 (1) Remove inconsistencies, inaccuracies, ambiguities, and outdated
38 provisions in the law.
- 39 (2) Incorporate in the law any desirable uncodified procedures, practices,
40 and rulings of a general nature that have been implemented by the
41 State Board of Elections or its Executive Secretary-Director.
- 42 (3) Conform the statutory law to State and federal case law and to any
43 requirements of federal statutory law and regulation.

- 1 (4) Ensure the efficient and effective administration of elections in this
2 State.
- 3 (5) Continue the impartial, professional administration of elections, which
4 the citizens of the State expect and demand.
- 5 (6) Recodify the election laws, as necessary, to produce a comprehensive,
6 clearly understandable structure of current North Carolina election
7 law, susceptible to orderly expansion as necessary.

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

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

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

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

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

35 **SECTION 41.9.** From funds appropriated to the General Assembly, the
36 Legislative Services Commission shall allocate funds for the expenses of the Election
37 Laws Revision Commission.

38 **PART XXXXII. BILL AND RESOLUTION REFERENCES**

39 **SECTION 42.1.** The listing of the original bill or resolution in this act is for
40 reference purposes only and shall not be deemed to have incorporated by reference any
41 of the substantive provisions contained in the original bill or resolution.
42
43
44

1 PART XXXXIII. EFFECTIVE DATE AND APPLICABILITY

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SECTION 43.1. Except as otherwise specifically provided, this act is effective when it becomes law. If a study is authorized both in this act and in the Current Operations and Capital Improvements Appropriations Act of 2003, the study shall be implemented in accordance with the Current Operations and Capital Improvements Appropriations Act of 2003 as ratified.