

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1723
Committee Substitute Favorable 7/28/05
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Senate Rules and Operations of the Senate Committee Substitute Adopted 8/24/05

Short Title: The Studies Act of 2005. (Public)

Sponsors:

Referred to:

May 12, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH
COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER
COMMISSIONS.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known as "The Studies Act of 2005".

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 are listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 2005 Regular Session of the 2005 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. Banking laws (S.B. 786 – Hoyle)
- (2) Transportation Issues:
 - a. Ban cell phone use while driving (H.B. 1104 – McAllister)
 - b. Fuel efficiency of engines of State's motor fleet (S.B. 1033 – East)
 - c. Exemptions from safety and emissions inspections (S.B. 530 – Dalton)

- 1 d. Environmental review, permitting, and mitigation process in the
2 construction or expansion of State highways (H.B. 1761 –
3 Dollar)
- 4 (3) Consumer Issues:
5 a. Credit report identity theft (H.B. 546 – Adams)
6 b. Personal information privacy (S.B. 996 – Cowell)
7 c. Mortgage payoffs (Hunt)
8 d. Motor vehicle repair (S.B. 952 – Lucas, Bingham, Kinnaird)
- 9 (4) Insurance Issues:
10 a. Assist small business health insurance (S.B. 478 – Dalton)
11 b. High-risk insurance (H.B. 180 – Setzer)
- 12 (5) Criminal Law Issues:
13 a. Exclusionary rule/good faith exception (H.B. 1439 – Stam)
14 b. Habitual felon statutes (H.B. 1308 – Michaux)
15 c. Minority Incarceration (H.B. 49 – Miller)
16 d. The Provisions and Penalties of G.S. 20-138.3, Driving by a
17 person less than 21 years old after consuming alcohol or drugs
18 (Dickson)
19 e. Study Pre-1996 Sex Offenders and Alignment of Registerable
20 Offenses with Other States (Ray)
- 21 (6) State/Local Government Employee Issues:
22 a. Beneficiary designation and dependent survivors of members of
23 the Teachers' and State Employees' Retirement System
24 (Dorsett)
25 b. State employee mediation and length of backlog of appeals
26 process (Rand)
27 c. Mediation of State employee grievances (H.B. 716 – Coleman)
28 d. Severance Pay Changes (H.B. 703 – Crawford)
29 e. State Employee Demonstration Projects (H.B. 730 – Crawford,
30 Sherrill)
31 f. Prospective Elimination of SPA Longevity Pay (H.B. 731 –
32 Crawford)
33 g. Flexible Benefits Program Centralized under OSP (H.B. –
34 Crawford, Holliman)
- 35 (7) Labor, Employment, and Economic Development Issues:
36 a. North Carolina National Guard Pension Fund (S.B. 573 –
37 Atwater)
38 b. Validity of statistics provided by the Industrial Commission
39 (Berger of Franklin)
40 c. Industrial Commission's monitoring of filing of forms (Berger
41 of Franklin)
42 d. Streamline forms required by Industrial Commission (Berger of
43 Franklin)
44 e. UI claims/shorten employer response time (Shaw)

- 1 f. Loss of workers' compensation for fraud (S.B. 863 – Berger of
- 2 Franklin)
- 3 g. Workers' compensation and injuries to extremities (S.B. 864 –
- 4 Berger of Franklin)
- 5 h. Employee work incentives under the Workers' Compensation
- 6 Act (S.B. 865 – Berger of Franklin)
- 7 i. Increase cap on award for loss of organ under the Workers'
- 8 Compensation Act (S.B. 866 – Berger of Franklin)
- 9 j. Small business improvement (S.B. 664 – Dalton)
- 10 k. Amendments to Workers' Compensation Act (Holliman)
- 11 (8) Health and Human Services Issues:
- 12 a. Men's health
- 13 b. Peanut allergies/restaurant postings (H.B. 920 – Alexander)
- 14 c. Naturopathic registration (Kinnaird)
- 15 d. Fluoride in drinking water (Apodaca)
- 16 e. Cost control of medical services for persons in local
- 17 confinement facilities (Wilkins, Wright)
- 18 f. Facilitate access to complementary and alternative health care
- 19 services (H.B. 1303 – Luebke)
- 20 g. Nursing faculty fellows (H.B. 1718 – Carney, Saunders, Earle,
- 21 Glazier)
- 22 h. Regulate smoking in public places (H.B. 76 – Holliman)
- 23 i. Reduce Numbers of Uninsurable People (H.B. 50 – Holliman;
- 24 H.B. 1535)
- 25 j. Treatment Services Funding/Drug Treatment Courts (Insko)
- 26 (9) Other:
- 27 a. Trafficking of persons (HJR 1461 – Alexander)
- 28 b. Nanotechnology (H.B. 641 – Miller, Faison)
- 29 c. Public building contract laws (H.B. 1547 – Parmon)
- 30 d. Unfit dwellings (S.B. 982 – Cowell)
- 31 e. Post-adoption contact (Kinnaird)
- 32 f. Exempt builders' inventories from property tax increases (S.B.
- 33 508 – Dalton)
- 34 i. Liabilities of general contractors to subcontractors (Rand)
- 35 j. Construction indemnity agreement issues (Rand)
- 36 k. Wind-powered generation (S.B. 441 – Horton, Garwood)
- 37 l. Equine industry (S.B. 901 – Weinstein)
- 38 m. Strategies to protect property rights given the United States
- 39 Supreme Court decision in Kelo v. City of New London, Conn.
- 40 (Rand)
- 41 n. System of care common identifiers (Kinnaird)
- 42 o. Manufactured homes/good faith evictions (H.B. 1243 – Fisher)
- 43 p. Abandoned mobile homes (H.B. 1288 – Haire)

- 1 q. Refusal rights-forced public partition sales (H.B. 1309 –
- 2 Michaux)
- 3 r. Victim Restitution (Holliman)
- 4 s. Agency Internal Auditors (Tucker)
- 5 t. Eminent Domain (Sherrill)
- 6 u. The Provisions of G.S. 93-A-2(c)(1)
- 7 v. Tax Policy Changes

8 **SECTION 2.1.(a)** Superior Court discovery (H.B. 1211 – Sutton; Rand) –
9 The Commission may study State disclosure requirements in Superior Court discovery.
10 If it undertakes the study, the Commission shall consider:

- 11 (1) The issue of identities of informants who furnished information
- 12 leading to a search warrant against the defendant.
- 13 (2) The issue of personal information of the victim.
- 14 (3) The "work product" provision of G.S. 15A-904.
- 15 (4) Open discovery in noncapital postconviction cases.
- 16 (5) Any other related issues.

17 The Commission may make an interim report to the 2006 Regular Session of
18 the 2005 General Assembly and shall make its final report to the 2007 General
19 Assembly upon its convening.

20 **SECTION 2.1.(b)** Furniture technology center (S.B. 543 – Jacumin) – The
21 Commission may conduct a comprehensive study of the need for a North Carolina
22 Center for Applied Furniture Technology. If the Commission undertakes the study, it
23 shall include the following:

- 24 (1) A review of the North Carolina Center for Applied Textile Technology
- 25 and its role in supporting the textile industry in this State, another of
- 26 this State's traditional industries that is experiencing rapid changes due
- 27 to global economic factors.
- 28 (2) The needs of the furniture industry in developing new technologies or
- 29 processes in order to remain competitive in the global furniture market
- 30 and the ways in which a North Carolina Center for Applied Furniture
- 31 Technology could assist in the development and dissemination of those
- 32 technologies and processes.
- 33 (3) A review of the furniture industry in this State that analyzes the
- 34 strengths of the industry in this State and the strategic opportunities of
- 35 the industry.
- 36 (4) A review of a proposed organizational structure of the Center,
- 37 specifically studying whether the Center should be established as a
- 38 freestanding institution or as a component part of an existing
- 39 community college, other institution, or government entity.
- 40 (5) A review of the funding needs of the proposed Center and ways to
- 41 provide for that funding through State or local appropriations,
- 42 donations and grants, or a combination thereof.
- 43 (6) A review of existing federal, State, and local programs designed for or
- 44 used to assist the furniture industry and recommendations regarding

1 improvements to those programs or the establishment of new programs
2 to satisfy unmet needs.

3 (7) An investigation of the ways, means, and methods to ensure the
4 furniture industry in this State remains competitive.

5 (8) A study of ways and means of protecting intellectual property in the
6 domestic furniture industry.

7 (9) A review of what other states may be doing to address this economic
8 issue.

9 (10) An investigation of barriers to success, including a review of federal
10 and State laws, rules, regulations, taxes, and other impediments to the
11 success of business.

12 (11) A study of current business structures to determine other innovative
13 ways a business may structure or restructure itself, including nonprofit
14 status or employee ownership, to provide economic advantages.

15 (12) An investigation of the general cost of manufacturing furniture in
16 emerging production markets such as China and India to determine
17 overall actions needed for the domestic furniture industry to remain
18 competitive.

19 (13) Any other issue the Legislative Research Commission finds relevant to
20 this study.

21 In considering appointees to the committee to study this matter, the
22 appointing authorities shall consider inclusion of representatives of the furniture
23 industry. The Legislative Research Commission may contract with consultants to assist
24 in this study. The Commission may make an interim report of its findings and
25 recommendations to the 2006 Regular Session of the 2005 General Assembly and a
26 final report to the 2007 General Assembly.

27 **SECTION 2.1.(c)** Impact of Regulation on the Cost of Housing (Hoyle) –
28 The Commission may study the impact of State and local government regulation on the
29 cost of housing and recommend ways to reduce or eliminate conflicting, duplicative,
30 outdated, or unnecessary regulations, including the consolidation or elimination of
31 governmental agencies and programs.

32 **SECTION 2.1.(d)** Transferring the Deferred Compensation Program (Rand)
33 – The Commission may study the feasibility of transferring the Public Employee
34 Deferred Compensation Program established under G.S. 143B-426.24 from the
35 Department of Administration to the Department of the State Treasurer.

36 **SECTION 2.1.(e)** Consumer Credit Counseling (Dorsett) – The Commission
37 may study State and federal laws, rules, and policies pertaining to consumer credit
38 counseling and debt management, and may make recommendations for reforming
39 relevant North Carolina civil, criminal, and administrative law, regulations, and
40 policies. The Commission may examine appropriateness of consumer protection
41 provisions, standards for providers of services, and adequacy of enforcement tools and
42 practices.

1 **SECTION 2.1.(f)** Impact of Undocumented Immigrants (Justice) – The
2 Commission may study the effects of undocumented immigrants on the State. The
3 Commission may consider the following issues:

- 4 (1) Impacts on the State's health care, education, and social services
5 systems.
- 6 (2) Impacts on the criminal justice system and corrections.
- 7 (3) Impacts on the State's economy, including the fiscal ramifications of
8 compliance with federal laws requiring the provision of specific
9 services to undocumented immigrants.
- 10 (4) Impacts on the economic and workforce development, including the
11 provision of and the need for low-cost labor for agriculture,
12 construction, tourism, and other industries.
- 13 (5) Any other relevant issues.

14 **SECTION 2.1.(g)** Pharmacy Benefits Manager Regulation (H.B. 1374 –
15 Culpepper) – The Commission may study issues regarding the regulation of pharmacy
16 benefit management.

17 **SECTION 2.1.(h)** Local Governmental Employees Retirement System
18 (Culpepper) – The Commission may study issues relating to establishing a higher option
19 within the Local Governmental Employees Retirement System. The Commission may
20 consider the following issues:

- 21 (1) Whether the higher option should include all local governmental
22 employees.
- 23 (2) Whether the higher option would be voluntary and requiring each
24 individual governing body to approve it for employee participation.
- 25 (3) Whether there should be a deadline or sunset provision for a local
26 government to adopt the higher option.
- 27 (4) Whether "buy back credit" provisions for the time period an employee
28 is in the lower option are feasible.
- 29 (5) Any other relevant issues the Commission deems necessary to the
30 study.

31 **SECTION 2.1.(i)** Abandoned Cemeteries (Justus) – The Commission may
32 study issues related to abandoned cemeteries in the State. The Commission may
33 consider the following issues:

- 34 (1) The approximate number of abandoned cemeteries in the State, the
35 origination, status, and current condition.
- 36 (2) Historical practices in the creation and care of abandoned cemeteries
37 in North Carolina in relationship to other states.
- 38 (3) The rights and responsibilities as well as the potential liability of the
39 property owner as it pertains to the issues of ingress and egress during
40 the maintenance and visitation of abandoned cemeteries.
- 41 (4) The feasibility of establishing a statewide Adopt a Cemetery program
42 with rules to be adopted by the North Carolina Historical Commission.
- 43 (5) Any other matter that the Commission deems appropriate or necessary
44 to provide proper information to the General Assembly on the issues.

1 **SECTION 2.1.(j)** Chapter 24 Exemptions (Brubaker) – The Commission
2 may study issues related to authorizing the Commissioner of Banks to permit affiliates
3 of licensees under G.S. 53-176 to be exempt from certain provisions of Chapter 24 of
4 the General Statutes.

5 **SECTION 2.1.(k)** ABC Store Privatization (H.B. 1292 – Miller) – The
6 Commission may study issues related to the privatization of alcoholic beverage control
7 stores and related matters of regulation of alcoholic beverage sales in this State. If this
8 study is undertaken, the Commission shall examine the following issues:

9 (1) The forms of regulation of alcoholic beverages sales in control states
10 (Alabama; Idaho; Iowa; Maine; Montgomery County, Maryland;
11 Michigan; Mississippi; Montana; New Hampshire; Ohio; Oregon;
12 Pennsylvania; Utah; Vermont; Virginia; Washington; West Virginia;
13 and Wyoming) in addition to North Carolina and the forms of
14 regulation of alcoholic beverage sales in the remaining states.

15 (2) The feasibility of partial privatization (where the State privatizes the
16 retail function but retains the wholesale function of liquor distribution)
17 and full privatization (where the State privatizes both the retail and
18 wholesale functions of liquor distribution).

19 (3) The effects that either partial privatization or full privatization would
20 have on the following:

- 21 a. Price.
- 22 b. Revenues.
- 23 c. Taxes.
- 24 d. Employment.
- 25 e. Facilities.
- 26 f. Sales and consumption.
- 27 g. Service.
- 28 h. Costs.
- 29 i. Safety.
- 30 j. Retailing.
- 31 k. Wholesaling.
- 32 l. Licensing.
- 33 m. Distribution system.
- 34 n. Enforcement.
- 35 o. Control and regulation.

36 (4) Any other matter that the Commission deems appropriate or necessary
37 to provide proper information to the General Assembly on the subject
38 of the study.

39 **SECTION 2.1.(l)** Stem Cell Research (H.B. 1293 – Miller) – The
40 Commission may study the State's role in stem cell research, including enacting laws
41 limiting or expanding current research efforts and providing State funds to scientists
42 doing research in this area.

43 **SECTION 2.1.(m)** North Carolina Investments (H.B. 1294 – Miller) – The
44 Commission may study the State's use of public funds for investments. While

1 conducting the study, the Commission may develop criteria for divesting in companies
2 that have holdings or relationships with governments responsible for human rights
3 violations using the following guidelines:

- 4 (1) The government engages in arbitrary arrest, prolonged detention, extra
5 judicial killings, and torture of its people.
- 6 (2) The government has failed to protect its people's basic human rights by
7 impeding the efforts of foreign aid workers.
- 8 (3) The government is aware of and permits systematic rape and torture of
9 women.
- 10 (4) The government has failed to comply with requests to disarm those
11 perpetrating crimes against humanity.
- 12 (5) Recent history of genocide practices according to the United Nations.

13 **SECTION 2.2.** For each Legislative Research Commission committee
14 created during the 2005-2007 biennium, the cochairs of the Legislative Research
15 Commission shall appoint the committee membership.

16 **SECTION 2.3.** For each of the topics the Legislative Research Commission
17 decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may
18 report its findings, together with any recommended legislation, to the 2007 General
19 Assembly upon its convening.

20 **SECTION 2.4.** From the funds available to the General Assembly, the
21 Legislative Services Commission may allocate additional monies to fund the work of
22 the Legislative Research Commission.

23 24 **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT** 25 **COMMITTEE STUDIES**

26
27 **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may
28 study the topics listed in this Part and report its findings, together with any
29 recommended legislation, to the 2006 Regular Session of the 2005 General Assembly
30 upon its convening.

31 **SECTION 3.2.** Mental Health Parity (H.B. 893 – Alexander) – The
32 Committee may study issues related to mental health parity.

33 **SECTION 3.3.** Statewide Stroke Care System (H.B. 1396 – Faison, Wright,
34 B. Allen, England) – The Committee may study the feasibility of a statewide stroke care
35 system.

36 **SECTION 3.4.** Geriatric Care Providers (H.B. 183 – Nye, Clary) – The
37 Committee may study methods to increase the number of geriatric care providers in the
38 State.

39 **SECTION 3.5.** Medical Cost Savings (S.B. 581 – Forrester) – The
40 Committee may study a variety of approaches to find medical cost savings and to ensure
41 quality of medical care provided to the citizens of the State.

42 **SECTION 3.6.** Regulation of Nurse Practitioner Practice (Nesbitt) – The
43 Committee may study the following:

- 1 (1) Issues surrounding the practice parameters of advanced practice
2 registered nurses (APRNs).
- 3 (2) Relationship between APRNs and physicians.
- 4 (3) Whether APRNs should be regulated through the North Carolina
5 Board of Nursing or the North Carolina Medical Board.
- 6 (4) Any other issue the Commission considers relevant.

7 **SECTION 3.7.** Community Health Centers (Kerr) – The Committee may
8 study the need for community health centers, including federally qualified health
9 centers, health centers that meet the criteria for federally qualified health centers, and
10 State-designated rural health centers and public health departments. The Committee
11 shall also study the need for and funding of free clinics, such as W.A.T.C.H. in North
12 Carolina. In conducting the study, the Committee shall examine a range of approaches
13 in depth, including, but not limited to, the following:

- 14 (1) Increasing access to preventative and primary care services by
15 uninsured or medically indigent patients in existing or new health
16 center locations.
- 17 (2) Establishing community health center services in counties where no
18 such services exist.
- 19 (3) Creating new services or augmenting existing services provided to
20 uninsured or medically indigent patients, including primary care and
21 preventative medical services, dental services, pharmacy, and
22 behavioral health.
- 23 (4) Increasing capacity necessary to serve the uninsured by enhancing or
24 replacing facilities, equipment, or technologies.

25 **SECTION 3.8.** Hospital Systems (Rand) – The Committee may study issues
26 related to the conversion of county-owned hospitals to private not-for-profit hospitals
27 and the merger and acquisition of health care systems. The Committee shall consider the
28 following issues:

- 29 (1) Long-term financial implications.
- 30 (2) Quality of care.
- 31 (3) An analysis of the effects of preferred provider organizations.
- 32 (4) The implications of government regulations.
- 33 (5) The implications of government paid medical services.

34 **SECTION 3.9.** Prescription Drug Cost Management Office (S.B. 424 –
35 Boseman, Atwater) – The Committee may study the feasibility of establishing an Office
36 for Prescription Drug Cost Management ("Office") in the Department of Administration
37 or other appropriate State agency to manage the cost of prescription drugs incurred by
38 State agencies and programs that cover or provide prescription drugs. The
39 responsibilities of the Office shall include negotiating prescription drug price discounts
40 with participating pharmaceutical manufacturers and pharmacists for prescription drugs
41 paid for, in whole or in part, with State funds. As used in this section, "State agency"
42 includes the Teachers' and State Employees' Comprehensive Major Medical Plan. In
43 conducting the study, the Committee shall consider the following:

- 1 (1) The estimated amount that each State agency pays annually for
2 prescription drugs, including any discounts or rebates currently in
3 effect.
- 4 (2) Current contractual obligations of State agencies to pay for
5 prescription drug coverage or purchase.
- 6 (3) Incentives for prescription drug manufacturers and pharmacists to
7 participate in the State prescription drug cost management program.
- 8 (4) Formularies or other methods of containing prescription drug costs
9 currently in effect for State agencies and programs.
- 10 (5) Necessity for and feasibility of interfacing the implementation of the
11 prescription drug cost management program with information
12 management systems currently used by State agencies.
- 13 (6) Experiences of other states in attempting to control prescription drug
14 costs through multistate compacts, bulk purchasing, or negotiated
15 discounts.
- 16 (7) Timeline and funds needed for the establishment of the Office for
17 Prescription Drug Cost Management and implementation of a
18 prescription drug management program.
- 19 (8) Other matters the Committee deems necessary for its study.
- 20

21 **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT**
22 **COMMITTEE STUDIES**

23

24 **SECTION 4.1.** The Joint Legislative Transportation Oversight Committee
25 may study the topics listed in this Part and report its findings, together with any
26 recommended legislation, to the 2006 Regular Session of the 2005 General Assembly
27 upon its convening.

28 **SECTION 4.2.** Utility Relocation (H.B. 667 – Cole) – The Committee may
29 study the use of incentives, disincentives, and other contractual measures by the
30 Department of Transportation to expedite relocation of public utilities for highway
31 construction projects.

32 **SECTION 4.3.** Nonbetterments (Almond, McComas) – The Committee may
33 study issues related to nonbetterments.

34 **SECTION 4.4.** Dedicated Funding Sources For Public Transit (Coates) –
35 The Committee may study the feasibility of a dedicated funding source for public transit
36 and alternative forms of transportation.

37

38 **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**
39 **STUDIES**

40

41 **SECTION 5.1.** The Joint Legislative Education Oversight Committee may
42 study the topics listed in this Part and report its findings, together with any
43 recommended legislation, to the 2006 Regular Session of the 2005 General Assembly
44 upon its convening.

1 **SECTION 5.2.** Changes in Education Districts (H.B. 1505 – Yongue,
2 Preston, Johnson, Carney) – The Committee may study issues related to population
3 changes in education districts.

4 **SECTION 5.3.** Raising the Compulsory School Attendance Age (H.B. 1079
5 – Parmon, Glazer, Womble, McLawhorn; S.B. 878 – Garrou) – The Committee may
6 study issues related to raising the compulsory school attendance age.

7 **SECTION 5.4.** School Counselors and Dropout Prevention (H.B. 793 –
8 Farmer-Butterfield; S.B. 571 – Swindell) – The Committee may study the roles of
9 school counselors in providing dropout prevention and intervention services to middle
10 and high school students.

11 **SECTION 5.5.** Child Nutrition Services (H.B. 696 – Inkso) – The
12 Committee may study the impact of indirect costs associated with the child nutrition
13 services program.

14 **SECTION 5.6.** Class Size Funding Formula for Children With Special
15 Needs (H.B. 693 – Glazier, Parmon) – The Committee may study the need to weight the
16 class-size funding formula to accommodate the learning needs of special populations of
17 children.

18 **SECTION 5.7.** Track Students Throughout Education (H.B. 640 – Miller) –
19 The Committee may study the feasibility of tracking students throughout their
20 education.

21 **SECTION 5.8.** Impact of Student Mobility on Academic Performance (H.B.
22 388 – Folwell; S.B. 171 – Dalton) – The Committee may study the impact of student
23 mobility on academic performance.

24 **SECTION 5.9.** Appropriate Education for Suspended Students (H.B. 1747 –
25 Preston, Bell, Parmon, Stam) – The Committee may study the issues concerning
26 appropriate education for suspended students.

27 **SECTION 5.10.** Corporal Punishment Policies (H.B. 1462 – Alexander) –
28 The Committee may study policies related to corporal punishment.

29 **SECTION 5.11.** Physical Activity in Grades K-8 (H.B. 865 – Bell) – The
30 Committee may study issues regarding requiring physical activity in grades K-8.

31 **SECTION 5.12.** Strategies for Targeting Educational Programs and
32 Resources (Swindell, Lucas) – The Committee shall study strategies for targeting
33 educational programs and resources to improve K-12 education for all students. In the
34 course of the study, the Committee shall do all of the following:

- 35 (1) Review existing funding formulas to ensure resources are targeted
36 where they are most needed and, if necessary, propose modifications
37 to these formulas. This review shall include an analysis of local ability
38 to pay based on measures of local wealth and local willingness to pay
39 for K-12 education.
- 40 (2) Review existing initiatives and curricula, for early childhood through
41 high school, and recommend ways to reduce duplicative efforts and
42 make better use of finite resources.
- 43 (3) Explore local actions and efforts to supplement State educational
44 resources.

- 1 (4) Examine how other states work with local governments to ensure
2 adequate resources are available for the operational and capital needs
3 of the public schools.

4 **SECTION 5.13.** Charter Schools (Swindell, Lucas) – The Committee may
5 study issues related to charter schools.

6 **SECTION 5.14.** Global Education (S.B. 333 – Swindell) – The Committee
7 may study all of the following:

- 8 (1) What new skills or knowledge may be needed, particularly in the areas
9 of literature, social sciences, technology, and foreign languages, in
10 view of the economic needs of the State and in order to maximize our
11 economic competitiveness;
- 12 (2) Whether the minimum standards for admission to a constituent
13 institution of The University of North Carolina should be revised to
14 reflect these new skills and knowledge;
- 15 (3) Whether the courses required for a high school diploma should be
16 changed or whether the content of existing courses and curricula at all
17 grade levels should be modified to reflect these new skills and
18 knowledge;
- 19 (4) Whether the schools of education at the constituent institutions of The
20 University of North Carolina are preparing competent teachers in
21 sufficient numbers to teach these new skills and knowledge;
- 22 (5) Whether foreign language courses other than European languages are
23 available in the public schools. If so, the languages that are available
24 and where they are taught; and
- 25 (6) Whether the ABCs accountability program should be modified to
26 emphasize these new skills and knowledge.

27 **SECTION 5.15.** Workforce Preparation in the Public Schools (S.B. 898 –
28 Brown) – The Committee may study workforce preparation in the public schools.

29 **SECTION 5.16.** Salary Increases for Math and Science Teachers (S.B. 1010
30 – Hagan) – The Committee may study the need to increase salaries for math and science
31 teachers.

32 **SECTION 5.17.** Community College Tuition Reciprocity (S.B. 779 – Snow)
33 – The Committee may study issues relating to community college tuition reciprocity
34 with other states.

35 **SECTION 5.18.** Study Reduction in Number of Local School
36 Administrative Units (Rand, Hagan, Dalton, Garrou) – The Committee may study
37 reducing the number of local school administrative units.

38 **SECTION 5.19.** Information Requirements for School
39 Admission/Assignment (H.B. 1480 – Folwell) – The Committee may study information
40 requirements for school admission and assignment.

41 **SECTION 5.20.** Joint Education Leadership Team for Disadvantaged
42 Students (Carney, Yongue; Clodfelter) – The Committee may study establishing a Joint
43 Education Leadership Team for Disadvantaged Students.

1 **SECTION 5.21.** Education Facility Financing (H.B. 1272 – Yongue) – The
2 Committee may study issues related to education facility financing.

3 **SECTION 5.22.** School Employee Salary Study (Yongue) – The Committee
4 may study school employee salary schedules.

5 **SECTION 5.23.** School Psychologists (Swindell) – The Committee may
6 study issues related to the compensation of school psychologists, including annual
7 salary supplements for licensed school psychologists who are employed by local school
8 administrative units and certified by the National School Psychology Certification
9 Board or other equivalent national certifying organization.

10 **SECTION 5.24.** North Carolina School of Science and Mathematics
11 (Hagan) – The Committee may study whether the North Carolina School of Science and
12 Mathematics should be included in the definition of "constituent institution" under
13 G.S. 116-2.

14 **PART VI. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE**

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17 **SECTION 6.1.** The Joint Legislative Utility Review Committee may study
18 the topics listed in this Part and report its findings, together with any recommended
19 legislation, to the 2006 Regular Session of the 2005 General Assembly upon its
20 convening.

21 **SECTION 6.2.** Article 1 of Chapter 62A (H.B. 1638 – Saunders, Brubaker)
22 – The Committee may study the following issues related to Article 1 of Chapter 62A of
23 the General Statutes:

- 24 (1) Mechanisms for increased accountability for the collection and
25 spending of 911 charges by local governments.
- 26 (2) Modification of what constitutes an authorized expenditure from a
27 local Emergency Telephone System Fund.
- 28 (3) Whether to adopt a statewide, uniform 911 charge.
- 29 (4) Whether to create a State Emergency Telephone Fund and a formula
30 for distributing those moneys to local governments.
- 31 (5) Whether to designate the Community College System as the preferred
32 provider of training for public safety answering point staff.
- 33 (6) Any other issues related to the Article the Committee determines are
34 relevant.

35 **SECTION 6.3.** Municipalities Providing Electric Service (Albertson) – The
36 Committee may study issues related to municipalities providing electric service to
37 customers who live outside the city limits of the municipality. The study may include:

- 38 (1) The resolution of disputes between customers outside the city limits
39 and the municipality.
- 40 (2) The disparity in rates that may exist between customers outside the
41 city limits and those within the city limits.
- 42 (3) The lack of representation of customers living outside the city limits.
- 43 (4) Other issues the Committee determines are related to the provision of
44 electric service by municipalities to customers outside their city limits.

1
2 **PART VII. REVENUE LAWS STUDY COMMITTEE**
3

4 **SECTION 7.1.** The Revenue Laws Study Committee may study the topics
5 listed in this Part and report its findings, together with any recommended legislation, to
6 the 2006 Regular Session of the 2005 General Assembly upon its convening.

7 **SECTION 7.2.** Property Taxes (S.B. 623 – Jacumin) – The Committee may
8 study the valuation of partially improved, undeveloped lots in subdivisions.

9 **SECTION 7.3.** Administrative and Judicial Review of Tax Cases (S.B. 840
10 – Kerr) – The Committee may study the administrative and judicial review of tax cases.

11 **SECTION 7.4.** State Business Taxation (S.B. 916 – Clodfelter) – The
12 Committee may study reforming and simplifying State taxation of business enterprises.

13 **SECTION 7.5.** Sound Management Program for Forestland (S.B. 790 –
14 Berger of Rockingham) – The Committee may study the need for providing owners of
15 forestland more flexibility in demonstrating that their forestland is operated under a
16 sound management program in order to qualify for present-use value property tax status.

17 **SECTION 7.6.** Tax Refund Donation for Prostate Cancer (S.B. 643 – Hoyle)
18 – The Committee may study allowing taxpayers to contribute income tax refunds for
19 prostate cancer research.

20 **SECTION 7.7.** Housing Authority Tax Exemptions (Ross; Malone, Cowell)
21 – The Committee may study housing authority tax exemption issues.

22 **SECTION 7.8.** Tax Refund Contributions to Charitable Causes (Atwater) –
23 The Committee may study the issue of providing space on individual income tax forms
24 for taxpayers to make a contribution of all or part of their refunds to support various
25 charitable causes. The study shall specifically include the following issues:

- 26 (1) A method for determining which causes shall be eligible to receive
27 contributions of refunds and an efficient mechanism for distributing
28 funds collected from contributions of refunds.
- 29 (2) A consideration of whether taxpayers should be able to contribute their
30 refunds to specific charitable causes or to a fund from which
31 contributions are distributed equally among all eligible causes.
- 32 (3) The administrative or fiscal burdens placed on the State for serving as
33 a collection agent for contributions of refunds.
- 34 (4) The effect on rates of compliance with tax laws of expanding the tax
35 forms to accommodate contributions of refunds.

36
37 **PART VIII. ENVIRONMENTAL REVIEW COMMISSION STUDIES**
38

39 **SECTION 8.1.** The Environmental Review Commission may study the
40 topics listed in this Part and report its findings, together with any recommended
41 legislation, to the 2006 Regular Session of the 2005 General Assembly upon its
42 convening.

43 **SECTION 8.2.** Mercury Reduction and Education (H.B. 1531 – Harrison,
44 Bordsen, Martin, Fisher) – The Commission may study measures to reduce the quantity

1 of mercury that is released into the environment, that impacts natural resources, and that
2 harms the public health of the citizens of the State, including prohibitions on the sale of
3 certain mercury-containing products, prohibitions on the use of mercury in primary and
4 secondary education, labeling of certain mercury-containing products, State purchase of
5 products that contain no mercury, and public education on the hazards of mercury
6 release and proper methods of mercury disposal. If the Environmental Review
7 Commission undertakes this study, it may refer to the mercury reduction and education
8 measures set out in the First Edition of House Bill 1531, as introduced to the 2005
9 General Assembly, and mercury reduction and education measures adopted by other
10 states.

11 **SECTION 8.3.** The Commission, with the assistance of the Division of
12 Waste Management of the Department of Environment and Natural Resources, shall
13 study issues related to solid waste. The Commission shall specifically study measures
14 to reduce the amount of solid waste disposed of within North Carolina landfills,
15 including statewide tipping fees, bans on the disposal of certain types of waste in
16 landfills, more aggressive recycling requirements, and enhanced regulatory
17 requirements for landfills and other solid waste management facilities.

18 **SECTION 8.4.** Private Drinking Water Wells (H.B. 1701 – B. Allen) – The
19 Commission may study the safety and quality of potable water delivered from private
20 drinking water wells in the State.

21 22 **PART IX. JOINT LEGISLATIVE GROWTH STRATEGIES OVERSIGHT** 23 **COMMITTEE**

24
25 **SECTION 9.1.** The Joint Legislative Growth Strategies Oversight
26 Committee may study the issues of:

- 27 (1) Extraterritorial Operations of Municipal Public Enterprises (S.B. 858 –
28 Clodfelter)

29 **SECTION 9.2.** Section 3.3 of S.L. 2001-491 reads as rewritten:

30 "**SECTION 3.3.** This Part becomes effective January 15, 2002, and expires January
31 16, ~~2005-2007~~. Prior to its expiration on January 16, ~~2005-2007~~, the Committee shall
32 report to the General Assembly on its activities conducted pursuant to this Part."
33

34 **PART X. HOUSE SELECT STUDY COMMISSION ON A MANDATORY** 35 **COST-OF-LIVING INCREASE FOR RETIREES OF THE TEACHERS' AND** 36 **STATE EMPLOYEES' RETIREMENT SYSTEM (H.B. 1653 – B. Allen, Coleman,** 37 **Farmer-Butterfield, Faison)**

38
39 **SECTION 10.1.** There is established the House Select Study Commission
40 on a Mandatory Cost-of-Living Increase for Retirees of the Teachers' and State
41 Employees' Retirement System.

42 **SECTION 10.2.** The Speaker of the House of Representatives shall appoint
43 10 members of the House of Representatives to serve as members of the House Select
44 Study Commission on a Mandatory Cost-of-Living Increase for Retirees of the

1 Teachers' and State Employees' Retirement System. All 10 members of the Commission
2 shall be members of the House of Representatives at the time of appointment. One
3 member shall have served within the last two years as a chair, cochair, or vice-chair of
4 the House of Representatives Committee on Pensions and Retirement. The Speaker of
5 the House of Representatives shall designate a chair of the Commission.

6 **SECTION 10.3.** The Commission shall study the cost and feasibility of an
7 automatic annual retirement allowance increase that equals the prior year ratio of the
8 unadjusted 12-month (December to December) Consumer Price Index for All Urban
9 Consumers. The Commission shall consider the benefit to retirees, the cost and actuarial
10 soundness of a mandatory increase, and shall determine whether a mandatory increase
11 adheres to sound retirement and pension policy. In conducting the study, the
12 Commission shall obtain an actuarial analysis and appropriate input from the
13 Retirement Systems Division of the Department of State Treasurer.

14 **SECTION 10.4.** The Commission may contract for consultant services as
15 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
16 the Legislative Services Officer shall assign professional and clerical staff to assist in
17 the work of the Commission. Clerical staff shall be furnished to the Commission
18 through the offices of the House of Representatives. The Commission may meet in the
19 Legislative Building or the Legislative Office Building upon the approval of the
20 Legislative Services Commission. Members of the Commission shall receive per diem,
21 subsistence, and travel allowances in accordance with G.S. 120-3.1. The appointing
22 authority shall fill vacancies.

23 The Commission, while in the discharge of its official duties, may exercise all
24 the powers provided under the provisions of G.S. 120-19, and G.S. 120-19.1 through
25 G.S. 120-19.4, including the power to request all officers, agents, agencies, and
26 departments of the State to provide any information, data, or documents within their
27 possession, ascertainable from their records, or otherwise available to them and the
28 power to subpoena witnesses.

29 **SECTION 10.5.** The Commission shall submit a final written report of its
30 findings and recommendations on or before the convening of the 2006 Regular Session
31 of the 2005 General Assembly. All reports shall be filed with the Speaker of the House
32 of Representatives and the Legislative Librarian. Upon filing its final report, the
33 Commission shall terminate.

34 **SECTION 10.6.** Of the funds appropriated to the General Assembly, the
35 Legislative Services Commission shall allocate funds for the expenses of the
36 Commission established by this Part.

37
38 **PART XI. DEPARTMENT OF PUBLIC INSTRUCTION BUDGET STUDY (H.B.**
39 **1644 – Yongue, Carney, Johnson, Preston)**

40
41 **SECTION 11.1.** There is created the Legislative Study Commission on the
42 Budget of the Department of Public Instruction.

1 **SECTION 11.2.** The Commission shall consist of five members of the
2 House of Representatives appointed by the Speaker of the House of Representatives and
3 five members of the Senate appointed by the President Pro Tempore of the Senate.

4 The Speaker of the House of Representatives shall designate one
5 Representative as cochair, and the President Pro Tempore shall designate one Senator as
6 cochair. Vacancies on the Commission shall be filled by the same appointing authority
7 as made the initial appointment.

8 **SECTION 11.3.** The purpose of the Commission is to perform a zero-based
9 budget review of the Department of Public Instruction. In performing a zero-based
10 budget review of the Department of Public Instruction, the Commission shall:

- 11 (1) Consider the mission and goals of the Department, as set out in statutes
12 and in the rules, policies, and practices of the Department;
- 13 (2) Evaluate the mission and goals of the Department in view of the
14 Leandro decision, the No Child Left Behind Act of 2001, the academic
15 performance of students in the public schools, and the needs of the
16 State and its citizens, and propose any necessary revisions;
- 17 (3) Evaluate the efficiency and effectiveness of the Department of Public
18 Instruction in furthering the mission and goals of the Department,
19 including any proposed revisions. This evaluation shall include (i) the
20 role of the Department of Public Instruction, its administrative
21 structure, organization, and its statutory powers and duties; (ii) the role
22 of the State Board of Education as the head of the Department of
23 Public Instruction, its composition, organization, and constitutional
24 and statutory powers and duties; and (iii) the role of the State
25 Superintendent as secretary and chief administrative officer of the
26 State Board, the State Superintendent's selection, and the State
27 Superintendent's constitutional and statutory powers and duties;
- 28 (4) Evaluate each program within the Department to determine (i) whether
29 and to what extent it is required by State or federal law; (ii) to what
30 extent it achieves the mission and goals of the Department; and (iii)
31 whether there are alternative ways to achieve the mission and goals of
32 the Department, including proposed revisions, in a more efficient and
33 effective manner;
- 34 (5) Assess the activities performed in each program, the major benefits
35 provided by the program, the current cost and staffing levels for the
36 program, the rationale for the cost and staffing levels, and the
37 administrative and other overhead costs of the program;
- 38 (6) Determine the level of funding and staff necessary to accomplish the
39 goals and mission of the Department, including proposed revisions,
40 without regard to past levels of funding.

41 **SECTION 11.4.** The Commission may exercise all powers provided for
42 under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may
43 meet at any time upon the joint call of the cochairs. The Commission may meet in the
44 Legislative Building or the Legislative Office Building. The Legislative Services

1 Commission, through the Legislative Services Officer, shall assign professional staff to
2 assist the Commission in its work. The House of Representatives' and the Senate's
3 Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses
4 relating to the clerical employees shall be borne by the Commission. The Commission
5 may contract for professional, clerical, or consultant services as provided by
6 G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a State
7 employee or a person currently under contract with the State to provide services. All
8 State departments and agencies and local governments and their subdivisions shall
9 furnish the Commission with any information in their possession or available to them.

10 **SECTION 11.5.** Members of the Commission shall be paid per diem,
11 subsistence, and travel allowances at the rate established in G.S. 120-3.1, 138-5, and
12 138-6, as appropriate. The appointing authority shall fill vacancies.

13 **SECTION 11.6.** The Commission shall report the results of its study and its
14 recommendations to the 2006 Regular Session of the 2005 General Assembly upon its
15 convening. The Commission shall terminate upon filing its final report or upon the
16 convening of the 2006 Regular Session of the 2005 General Assembly, whichever is
17 earlier.

18 **SECTION 11.7.** Of the funds appropriated to the General Assembly, the
19 Legislative Services Commission shall allocate funds for the expenses of the
20 Commission established by this Part.

21
22 **PART XII. HOUSE SELECT STUDY COMMISSION ON STATE**
23 **GUARDIANSHIP LAWS (H.B. 1550 – Farmer-Butterfield; Weiss)**
24

25 **SECTION 12.1.** There is created the House Select Study Commission on
26 State Guardianship Laws. The purpose of the Commission is to review State law
27 pertaining to guardianship and its relationship to other pertinent State laws such as the
28 health care power of attorney, the right to a natural death, and durable power of
29 attorney.

30 **SECTION 12.2.** The Commission shall consist of 16 members as follows:

- 31 (1) Eight members of the House of Representatives appointed by the
32 Speaker of the House of Representatives.
- 33 (2) The Director of the Administrative Office of the Courts, or the
34 Director's designee.
- 35 (3) The Director of the Division of Aging in the Department of Health and
36 Human Services, or the Director's designee.
- 37 (4) A county director of social services appointed by the Speaker of the
38 House of Representatives.
- 39 (5) A clerk of superior court appointed by the Speaker of the House of
40 Representatives.
- 41 (6) A physician who specializes in geriatrics appointed by the Speaker of
42 the House of Representatives.
- 43 (7) An attorney who has experience in guardianship matters appointed by
44 the Speaker of the House of Representatives.

1 (8) A representative of the Governor's Advocacy Council for Persons with
2 Disabilities.

3 (9) An area authority or county program director for mental health,
4 developmental disabilities, and substance abuse services, appointed by
5 the Speaker of the House of Representatives.

6 In addition, representatives designated by the following organizations shall
7 serve as ex officio, nonvoting members of the Commission:

8 (1) The North Carolina Bar Association.

9 (2) The Arc of North Carolina.

10 (3) North Carolina Guardianship Association.

11 (4) Alzheimer's Association – Western Chapter.

12 (5) Alzheimer's Association – Eastern Chapter.

13 (6) Carolina Legal Assistance.

14 (7) The Area Agencies on Aging.

15 (8) County Departments of Aging.

16 (9) Friends of Residents in Long Term Care.

17 The Speaker of the House of Representatives shall designate one
18 Representative as chair. Vacancies on the Commission shall be filled by the same
19 appointing authority as made the initial appointment. The Commission shall expire upon
20 delivering its final report.

21 The Commission, while in the discharge of its official duties, may exercise all
22 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
23 Commission may meet at any time upon the call of the chair. The Commission may
24 meet in the Legislative Building or the Legislative Office Building. The Commission
25 may contract for professional, clerical, or consultant services as provided by
26 G.S. 120-32.02.

27 The Legislative Services Commission, through the Legislative Services
28 Officer, shall assign professional staff to assist the Commission in its work. The House
29 of Representatives' Supervisors of Clerks shall assign clerical staff to the Commission,
30 and the expenses relating to the clerical employees shall be borne by the Commission.
31 Members of the Commission shall receive subsistence and travel expenses at the rates
32 set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

33 **SECTION 12.3.** In conducting the study, the Commission shall consider the
34 following:

35 (1) Whether guardianship should be a remedy of last resort used only if
36 less restrictive alternatives are insufficient.

37 (2) The definition of incompetency.

38 (3) Whether courts should be required to make express findings regarding
39 the extent of a person's incapacity and limit the scope of the
40 guardianship accordingly.

41 (4) Legal rights retained or lost as a result of being adjudicated
42 incompetent.

43 (5) The proper role of attorneys and guardians ad litem in guardianship
44 proceedings.

- 1 (6) The role of public human services agencies in providing guardianship
2 services.
3 (7) Legal procedures and protections in guardianship proceedings.
4 (8) Public monitoring of guardianship.
5 (9) Funding for guardianship services provided by public and nonprofit
6 agencies.
7 (10) Educating citizens with respect to guardianship and alternatives to
8 guardianship.
9 (11) Prudent investor rules.
10 (12) Powers, duties, and liabilities of guardians.
11 (13) Review of the State's adult protective services law.
12 (14) Enactment of the Uniform Guardianship and Protective Proceedings
13 Act (UGPPA).
14 (15) Whether guardianship statutes need revision to provide greater
15 protection of the health and welfare of incapacitated adults.
16 (16) Whether the State should track the number of people under private
17 guardianship and, if so, proposed methods for the tracking.

18 **SECTION 12.4.** The House Select Study Commission on State
19 Guardianship Laws may make an interim report to the 2005 General Assembly not later
20 than the convening of the 2005 General Assembly, and shall make its final report to the
21 2006 Regular Session of the 2005 General Assembly upon its convening.

22 **SECTION 12.5.** All State departments and agencies and local governments
23 and their subdivisions shall furnish the Commission with any information in their
24 possession or available to them.

25 **SECTION 12.6.** Of the funds appropriated to the General Assembly, the
26 Legislative Services Commission shall allocate funds for the expenses of the
27 Commission established by this Part.

28
29 **PART XIII. STATE GOVERNMENT FAIR PAY STUDY (S.B. 908 – Dorsett)**

30
31 **SECTION 13.1.** There is established the State Government Fair Pay Study
32 Commission. The Commission shall consist of 15 members appointed as follows:

- 33 (1) Five members appointed by the Governor. In making the
34 appointments, the Governor shall consider representatives of higher
35 education institutions familiar with business practices and statistical
36 analysis, active and retired State employees, and a representative from
37 the Office of State Personnel.
38 (2) Five members appointed by the Speaker of the House of
39 Representatives, to include:
40 a. Four members of the House of Representatives.
41 b. One person with human resources background and experience
42 from a private business or firm employing fewer than 200
43 employees in this State.

- 1 (3) Five members appointed by the President Pro Tempore of the Senate,
2 to include:
3 a. Four members of the Senate.
4 b. One person with human resources background and management
5 experience from a private business or firm employing more than
6 200 employees in this State.

7 **SECTION 13.2.** The Commission shall study those matters that impact fair
8 pay for employees and may include the following:

- 9 (1) Whether the minimum annual salary for State employees is a livable
10 salary and the impact of inflationary forces on that salary.
11 (2) Whether there is fair pay for equivalent jobs in State government,
12 including the extent of wage and job classification inequities and
13 disparities in State government employment with respect to race and
14 gender and factors that may tend to cause these inequities and
15 disparities and their consequences.
16 (3) The relationship between in-range adjustments and pay disparities and
17 how in-range adjustments could be used to alleviate gender-related pay
18 disparities.
19 (4) Actions, including proposed legislation, that are likely to lead to the
20 elimination and prevention of compensation disparities in State
21 government employment.
22 (5) Whether the pay and benefits, including family leave policies, are
23 competitive for State employees as compared to the private sector.
24 (6) Actions that would attract and retain employees of all ages with special
25 skill sets, specialized certificates, and licenses.
26 (7) Any other matters relating to pay disparities in State government
27 employment.

28 The Commission may consider any other matter that it finds relevant to its
29 charge. The Commission may conduct public hearings around the State to solicit
30 firsthand testimony regarding pay equity issues.

31 **SECTION 13.3.** The Speaker of the House of Representatives and the
32 President Pro Tempore of the Senate shall each appoint a cochair for the Commission.
33 The Commission may contract for consultant services as provided by G.S. 120-32.02.
34 Upon approval of the Legislative Services Commission, the Legislative Services Officer
35 shall assign professional and clerical staff to assist in the work of the Commission.
36 Clerical staff shall be furnished to the Commission through the offices of the House of
37 Representatives' and the Senate's Supervisors of Clerks. The Commission may meet in
38 the Legislative Building or the Legislative Office Building upon the approval of the
39 Legislative Services Commission. Members of the Commission shall receive per diem,
40 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, and 138-6,
41 as appropriate. The appointing authority shall fill vacancies.

42 The Commission, while in the discharge of its official duties, may exercise all
43 the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through
44 G.S. 120-19.4, including the power to request all officers, agents, agencies, and

1 departments of the State to provide any information, data, or documents within their
2 possession, ascertainable from their records, or otherwise available to them and the
3 power to subpoena witnesses.

4 The State Personnel Director shall designate appropriate staff to serve as
5 liaison to the Commission.

6 **SECTION 13.4.** The Commission's interim and final reports shall include
7 the results of the Commission's study as well as recommendations and legislative
8 proposals. The Commission shall submit an interim report to the 2006 Regular Session
9 of the 2005 General Assembly. The Commission shall make a final report to the 2007
10 General Assembly upon its convening and shall terminate upon filing its final report.

11 **SECTION 13.5.** Of the funds appropriated to the General Assembly, the
12 Legislative Services Commission shall allocate funds for the expenses of the
13 Commission established by this Part.

14
15 **PART XIV. WILDLIFE RESOURCES COMMISSION (H.B. 505 – Sherrill,
16 McComas, Gibson, Preston)**

17
18 **SECTION 14.1.** The Wildlife Resources Commission shall study the issue
19 of allowing hunting on Sundays at a limited number of State game lands. In conducting
20 its study, the Commission shall consider, but is not limited to, the following issues:

- 21 (1) Individual game land suitability for Sunday hunting, including the
22 status of resident wildlife species, proximity to population centers, and
23 range of recreational opportunities available.
- 24 (2) Allowable hunting activities, including methods of taking and the use
25 of dogs.
- 26 (3) Limiting hunting privileges to avoid conflict with religious services.
- 27 (4) The needs of persons pursuing nonhunting outdoor recreational
28 activities, including private landowners, family picnics, hiking,
29 canoeing, birding, horseback riding, climbing, and biking.

30 **SECTION 14.2.** In conducting the study, the Commission shall obtain input
31 from representatives of interested parties, including landowners, the North Carolina
32 Wildlife Federation, the Sierra Club and other conservation organizations, the North
33 Carolina Farm Bureau and other agricultural organizations, the North Carolina Horse
34 Council, hunting clubs and organizations, controlled hunting preserve operators,
35 religious organizations, and other outdoor recreational clubs and organizations.

36 **SECTION 14.3.** As a part of the study, the Commission shall conduct at
37 least one public hearing in each of its nine regions on the issue of allowing Sunday
38 hunting on selected game lands.

39 **SECTION 14.4.** The Wildlife Resources Commission shall report its
40 findings and recommendations, including a recommendation whether to amend, repeal,
41 or leave intact the existing ban on Sunday hunting, to the Joint Legislative Commission
42 on Governmental Operations no later than March 15, 2006.

43

1 **PART XV. STUDY COMMISSION ON ALTERNATIVES TO STATE HEALTH**
2 **PLAN FOR THE UNIVERSITY OF NORTH CAROLINA (H.B. 775 – Earle,**
3 **Insko; Kinnaird)**

4
5 **SECTION 15.1.** There is created a Study Commission on Alternatives to the
6 State Health Plan for The University of North Carolina. The Commission shall consist
7 of 14 members appointed as follows:

- 8 (1) Three members of the Senate appointed by the President Pro Tempore
9 of the Senate.
- 10 (2) Three members of the House of Representatives appointed by the
11 Speaker of the House of Representatives.
- 12 (3) Two citizens who are familiar with employee benefits or health care
13 delivery appointed by the President Pro Tempore of the Senate.
- 14 (4) Two citizens who are familiar with employee benefits or health care
15 delivery appointed by the Speaker of the House of Representatives.
- 16 (5) Three representatives from The University of North Carolina
17 appointed by The University of North Carolina.
- 18 (6) One representative from the State Employees Health Plan.

19 The Speaker of the House of Representatives shall appoint a cochair and the
20 President Pro Tempore of the Senate shall appoint a cochair for the Commission.
21 Vacancies on the Commission shall be filled by the appointing authority. The
22 Commission shall meet upon the call of the cochairs. A majority of the members of the
23 Commission shall constitute a quorum.

24 **SECTION 15.2.** The Commission shall study the alternatives to the State
25 Health Plan for The University of North Carolina. The Commission shall report its
26 findings and any recommendations to the 2006 Regular Session of the 2005 General
27 Assembly, upon its convening. The Commission shall terminate upon the filing of its
28 final report.

29 **SECTION 15.3.** Members of the Commission shall receive per diem,
30 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
31 appropriate.

32 **SECTION 15.4.** Subject to the approval of the Legislative Services
33 Commission, the Commission may meet in the State Legislative Building or the
34 Legislative Office Building. The Legislative Services Commission, through the
35 Legislative Services Officer, shall assign professional staff to assist in the work of the
36 Commission. The House of Representatives' and the Senate's Supervisors of Clerks
37 shall assign clerical staff to the Commission, and the expenses relating to the clerical
38 employees shall be borne by the Commission. The Commission, while in the discharge
39 of its official duties, may exercise all the powers provided under the provisions of
40 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request
41 all officers, agents, agencies, and departments of the State to provide any information,
42 data, or documents within their possession, ascertainable from their records, or
43 otherwise available to them and the power to subpoena witnesses.

1 **SECTION 15.5.** 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 XVI. STUDY COMMISSION ON TRAFFICKING OF ILLEGAL**
6 **HANDGUNS (S.B. 892 – Rand)**

7
8 **SECTION 16.1.** There is created the Study Commission on the Trafficking
9 of Illegal Handguns. The Commission shall be composed of 23 members as follows:

- 10 (1) Four members of the Senate appointed by the President Pro Tempore
11 of the Senate.
- 12 (2) Four members of the House of Representatives appointed by the
13 Speaker of the House of Representatives.
- 14 (3) The Attorney General, or the Attorney General's designee.
- 15 (4) The Secretary of the Department of Crime Control and Public Safety,
16 or the Secretary's designee.
- 17 (5) The Director of the State Bureau of Investigation, or the Director's
18 designee.
- 19 (6) A representative of the North Carolina Sheriffs' Association, Inc.,
20 appointed by the President Pro Tempore of the Senate.
- 21 (7) A representative of the North Carolina Association of Chiefs of Police,
22 appointed by the Speaker of the House of Representatives.
- 23 (8) A representative of the Conference of District Attorneys of North
24 Carolina appointed by the President Pro Tempore of the Senate.
- 25 (9) Two public members, not affiliated with any organization that is for or
26 against gun regulation, appointed by the Governor.
- 27 (10) One member of the general public appointed by the President Pro
28 Tempore of the Senate.
- 29 (11) One member of the general public appointed by the Speaker of the
30 House of Representatives.
- 31 (12) United States Attorneys for the Eastern, Middle, and Western Districts
32 of North Carolina, or their designees.
- 33 (13) A representative of the North Carolina Gun Dealers' Association,
34 appointed by the Speaker of the House of Representatives.
- 35 (14) The Agent-in-Charge of the Bureau of Alcohol, Tobacco and Firearms,
36 or the Agent-in-Charge's designee.

37 The President Pro Tempore of the Senate and the Speaker of the House of
38 Representatives shall designate cochairs of the Commission. The Commission shall
39 meet upon the call of the cochairs. A majority of the members of the Commission shall
40 constitute a quorum. The appointing authority shall fill any vacancy on the Commission.

41 **SECTION 16.2.** The Commission shall study all aspects of trafficking
42 illegal guns and focus on the ways and means to prevent criminals from obtaining and
43 trafficking in guns. The study shall include an examination of all of the following:

- 1 (1) How criminals unlawfully obtain and traffic in guns, particularly
- 2 handguns, including the primary sources of lawfully purchased guns
- 3 that subsequently enter unlawful commerce.
- 4 (2) Whether the current system of regulating the sale and transfer of guns
- 5 adequately prevents criminals from obtaining and trafficking in guns.
- 6 (3) The crimes that are connected to the trafficking of illegal guns.
- 7 (4) Review the regulation of the sales of handguns at gun shows and other
- 8 events.
- 9 (5) Whether the current system of collecting, coordinating, and
- 10 disseminating information on guns and guns used in crimes adequately
- 11 assists law enforcement agencies in their duties.
- 12 (6) Means of education to prevent and reduce gun violence.
- 13 (7) Any other issues the Commission considers appropriate.

14 **SECTION 16.3.** Members of the Commission shall receive per diem,
15 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
16 appropriate. The Legislative Services Commission shall assign professional and clerical
17 staff to assist the Commission in its work. The Commission may meet at various
18 locations around the State. The Legislative Services Commission shall grant adequate
19 meeting space to the Commission in the State Legislative Building or Legislative Office
20 Building. The Commission may meet during regular or extra sessions of the General
21 Assembly, subject to approval of the Speaker of the House of Representatives and the
22 President Pro Tempore of the Senate.

23 **SECTION 16.4.** The Commission may contract for consultant services as
24 provided by G.S. 120-32.02. The Commission, while in the discharge of its official
25 duties, may exercise all the powers provided under the provisions of G.S. 120-19 and
26 G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents,
27 agencies, and departments of the State to provide any information, data, or documents
28 within their possession, ascertainable from their records, or otherwise available to them
29 and the power to subpoena witnesses.

30 **SECTION 16.5.** The Commission may make an interim report and shall
31 make a final report to the 2007 Session of the General Assembly. In making its findings
32 and conclusions, the Commission shall balance the burden on law-abiding citizens with
33 the benefit of any recommendation. The Commission shall terminate on January 20,
34 2007.

35 **SECTION 16.6.** Of the funds appropriated to the General Assembly, the
36 Legislative Services Commission shall allocate funds for the expenses of the
37 Commission established by this Part.

38

39 **PART XVII. STUDY COMMISSION ON STATE CONSTRUCTION**

40 **INSPECTIONS (Owens)**

41

42 **SECTION 17.1.** There is created the Legislative Study Commission on State
43 Construction Inspections. The Commission shall consist of 14 members appointed as
44 follows:

- 1 (1) Five voting members appointed by the Speaker of the House of
2 Representatives.
- 3 (2) Five voting members appointed by the President Pro Tempore of the
4 Senate.
- 5 (3) Four nonvoting ex officio members as follows, or their designees: the
6 Commissioner of Labor, the Commissioner of Insurance, the Secretary
7 of Administration, and the Secretary of Health and Human Services.

8 The Speaker of the House of Representatives and the President Pro Tempore
9 of the Senate shall each appoint a cochair for the Commission. The appointing authority
10 shall fill vacancies.

11 **SECTION 17.2.** The Commission shall study the following:

- 12 (1) The scope and nature of each type of inspection of private and public
13 construction projects performed or required by State agencies.
- 14 (2) The extent to which State inspections overlap with inspections
15 performed by local governments.
- 16 (3) The total cost of the State's inspection of public and private
17 construction projects.
- 18 (4) The comparative efficiencies and efficacies of each type of inspection
19 of private and public construction projects performed or required by
20 State agencies to determine whether:
- 21 a. The inspections can be combined to save the costs of
22 administration and to limit any hardships on public and private
23 entities engaged in construction projects.
- 24 b. Any inspections should be otherwise modified in scope or
25 eliminated.
- 26 (5) The level of training of the various inspectors in the State agencies and
27 whether the training is satisfactory for the types of inspections
28 performed.
- 29 (6) Any other matter related to increasing the efficiency and efficacy of
30 the State's inspection of public and private construction projects.

31 **SECTION 17.3.** The Commission may contract for consultant services as
32 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
33 the Legislative Services Officer shall assign professional and clerical staff to assist in
34 the work of the Commission. Clerical staff shall be furnished to the Commission
35 through the offices of the House of Representatives' and the Senate's Supervisors of
36 Clerks. The Commission may meet in the Legislative Building or the Legislative Office
37 Building upon the approval of the Legislative Services Commission. Members of the
38 Commission shall receive per diem, subsistence, and travel allowances at the rate
39 established in accordance with G.S. 120-3.1, 138-5, and 138-6, as appropriate.

40 **SECTION 17.4.** The Commission, while in the discharge of its official
41 duties, may exercise all the powers provided under the provisions of G.S. 120-19 and
42 G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents,
43 agencies, and departments of the State to provide any information, data, or documents

1 within their possession, ascertainable from their records, or otherwise available to them,
2 and the power to subpoena witnesses.

3 **SECTION 17.5.** The Commission shall report its findings, conclusions, and
4 recommendations, including any legislative proposals by May 1, 2006, to the 2006
5 Regular Session of the 2005 General Assembly. The Commission shall expire upon
6 filing its final report.

7 **SECTION 17.6.** Of the funds appropriated to the General Assembly, the
8 Legislative Services Commission shall allocate funds for the expenses of the
9 Commission established by this Part.

10
11 **PART XVIII. MERGER OF ECOLOGICAL ENHANCEMENT PROGRAM**
12 **AND THE CLEAN WATER MANAGEMENT TRUST FUND (Jenkins)**

13
14 **SECTION 18.** The Environmental Review Commission and the Joint
15 Legislative Transportation Oversight Committee shall jointly study the merger of the
16 organization and functions of the Ecological Enhancement Program with the Clean
17 Water Management Trust Fund. The Commission and the Committee may hire
18 consultants to assist with the study. The final report shall be made to the 2006 Regular
19 Session of the 2005 General Assembly.

20
21 **PART XIX. STUDY COMMISSION ON STATE DISABILITY INCOME PLAN**
22 **AND OTHER RELATED PLANS**

23
24 **SECTION 19.1.** There is established a Study Commission on the State
25 Disability Income Plan and Other Related Plans.

26 **SECTION 19.2.** The Commission shall be comprised of 13 members as
27 follows:

- 28 (1) Four persons appointed by the President Pro Tempore of the Senate,
29 one of whom shall be familiar with disability issues relating to State
30 employees, one of whom shall be familiar with disability issues
31 relating to school employees, one of whom shall be familiar with
32 workers' compensation issues relating to State employees or school
33 employees, and one at-large.
- 34 (2) Four persons appointed by the Speaker of the House of
35 Representatives, one of whom shall be familiar with disability issues
36 relating to State employees, one of whom shall be familiar with
37 disability issues relating to school employees, one of whom shall be
38 familiar with workers' compensation issues relating to State employees
39 or school employees, and one at-large.
- 40 (3) The State Treasurer or the Treasurer's designee.
- 41 (4) The Executive Administrator of the Teachers' and State Employees'
42 Comprehensive Major Medical Plan.
- 43 (5) The Chair of the North Carolina Industrial Commission or the Chair's
44 designee.

1 (6) One person appointed by the President of The University of North
2 Carolina who is familiar with disability issues relating to university
3 employees.

4 (7) One person appointed by the President of the North Carolina
5 Community Colleges System who is familiar with disability issues
6 relating to community college employees.

7 Any vacancy shall be filled by the officer who made the original
8 appointment.

9 **SECTION 19.3.** The Commission shall study the plan design, funding, and
10 administration of the Disability Income Plan of North Carolina established pursuant to
11 Article 6 of Chapter 135 of the General Statutes, the Death Benefit Plan established
12 pursuant to G.S. 135-5(l), and the Separate Insurance Benefits Plan for State and Local
13 Governmental Law Enforcement Officers established pursuant to G.S. 143-166.60 to
14 determine what changes, if any, should be made to those Plans. The Commission shall
15 consider what changes could be made to the Plans that would enhance the efficiency of
16 and reduce the cost of the Plans to the State and its employees.

17 **SECTION 19.4.** The President Pro Tempore of the Senate and the Speaker
18 of the House of Representatives shall designate cochairs of the Commission from
19 among their respective appointees. The Commission shall meet upon the call of the
20 cochairs. Members of the Commission shall receive per diem, subsistence, and travel
21 allowance in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The
22 Commission, while in the discharge of official duties, may exercise all powers provided
23 for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

24 **SECTION 19.5.** The Legislative Services Commission, through the
25 Legislative Services Officer, shall assign professional staff to assist the Commission in
26 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall
27 assign clerical staff to the Commission, and the expenses relating to the clerical
28 employees shall be borne by the Commission. Subject to the approval of the Legislative
29 Services Commission, the Commission may meet in the Legislative Building or the
30 Legislative Office Building.

31 **SECTION 19.6.** The Commission shall employ an actuary with expertise in
32 the areas of disability income insurance and group life insurance to assist the
33 Commission in its work pursuant to the procedure set forth in G.S. 120-32.02. This
34 actuary shall not be a State employee or a person currently under contract with the State
35 to provide services. If necessary, the Commission may hire other employees as provided
36 in G.S. 120-32.02.

37 **SECTION 19.7.** The Commission may meet during a regular or extra
38 session of the General Assembly, subject to approval of the President Pro Tempore of
39 the Senate and the Speaker of the House of Representatives.

40 **SECTION 19.8.** The Commission shall submit a report of the results of its
41 study, including any legislative recommendations, to the General Assembly not later
42 than January 1, 2007.

1 **SECTION 19.9.** Of the funds appropriated to the General Assembly, the
2 Legislative Services Commission shall allocate funds to implement the provisions of
3 this Part.

4
5 **PART XX. STUDY NO-FAULT COMPENSATION FOR INJURIES TO**
6 **ELDERLY AND DISABLED PERSONS (S.B. 1041 – Clodfelter)**

7
8 **SECTION 20.** The Commissioner of Insurance, the North Carolina
9 Industrial Commission, and the Department of Health and Human Services shall jointly
10 study the utility, efficacy, and advisability of creating a system of no-fault
11 compensation, with such compensation based on scheduled amounts and subject to
12 limits on total compensation paid, for injuries resulting from regular and ordinary
13 course of care provided at nursing homes, homes for the elderly, other long-term care
14 facilities, and assisted living facilities. The results of this study, including findings and
15 recommendations for suggested legislation, shall be reported to the 2007 General
16 Assembly upon its convening.

17
18 **PART XXI. CONTINUE UNC BOARD OF GOVERNORS STUDY**
19 **COMMISSION**

20
21 **SECTION 21.1.** There is created to continue the UNC Board of Governors
22 Study Commission. The Commission shall consist of 10 members appointed as follows:
23 five by the President Pro Tempore of the Senate and five by the Speaker of the House of
24 Representatives. The Speaker of the House of Representatives shall appoint a cochair,
25 and the President Pro Tempore of the Senate shall appoint a cochair for the
26 Commission. Vacancies on the Commission shall be filled by the appointing authority.
27 The Commission shall meet upon the call of the cochairs. A majority of the members of
28 the Commission shall constitute a quorum.

29 **SECTION 21.2.** The Commission shall continue the work of prior UNC
30 Board of Governors Study Commissions and study the method of election or
31 appointment of members of the Board of Governors, the length of members' terms, the
32 number of terms a member may serve, and the size of the Board of Governors. As part
33 of the study, the Commission may examine the governing boards of other states'
34 institutions of higher education. The Commission shall report its findings and any
35 recommendations to the 2006 Regular Session of the 2005 General Assembly. The
36 Commission shall terminate upon the filing of its final report.

37 **SECTION 21.3.** Members of the Commission shall receive per diem,
38 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
39 appropriate.

40 **SECTION 21.4.** Subject to the approval of the Legislative Services
41 Commission, the Commission may meet in the State Legislative Building or the
42 Legislative Office Building. The Legislative Services Commission, through the
43 Legislative Services Officer, shall assign professional staff to assist in the work of the
44 Commission. The House of Representatives' and the Senate's Supervisors of Clerks

1 shall assign clerical staff to the Commission, and the expenses relating to the clerical
2 employees shall be borne by the Commission. The Commission, while in the discharge
3 of its official duties, may exercise all the powers provided under the provisions of
4 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request
5 all officers, agents, agencies, and departments of the State to provide any information,
6 data, or documents within their possession, ascertainable from their records, or
7 otherwise available to them and the power to subpoena witnesses.

8 **SECTION 21.5.** Of the funds appropriated to the General Assembly, the
9 Legislative Services Commission shall allocate funds to implement the provisions of
10 this Part.

11
12 **PART XXII. JOINT LEGISLATIVE COMMISSION ON HEALTH INSURANCE**
13 **ACCESSIBILITY (Kerr)**

14
15 **SECTION 22.1.** There is established in the General Assembly a Joint
16 Legislative Commission on Health Insurance Accessibility.

17 **SECTION 22.2.** Membership. – The Commission shall be composed of 16
18 members as follows:

- 19 (1) Eight members of the House of Representatives appointed by the
20 Speaker of the House of Representatives.
21 (2) Eight members of the Senate appointed by the President Pro Tempore
22 of the Senate.

23 Vacancies on the Commission shall be filled by the appointing authority.
24 Cochairs of the Commission shall be designated by the Speaker of the House of
25 Representatives and the President Pro Tempore of the Senate from among their
26 respective appointees. The Commission shall meet upon the call of the chairs.

27 **SECTION 22.3.** The Commission shall study the legal, fiscal, and policy
28 implications of various means of increasing accessibility to health insurance. The study
29 shall specifically address strategies for increasing accessibility to health insurance by
30 small employer groups, self-employed individuals, and individuals who are employed
31 but uninsured. The study of small employer access shall include the following:

- 32 (1) A review of the number of small employers (50 or fewer employees)
33 in this State, grouped by industry and volume of business; the number
34 of small employers that offer comprehensive health insurance
35 coverage to their employees; the average premium charged for
36 comprehensive health insurance coverage available to small employer
37 groups in this State, as compared to premiums for comparable
38 coverage in the Southeast region and other areas of the United States.
39 (2) A review of the participation rates, premiums and cost-sharing, and
40 coverage options offered under the North Carolina Small Employer
41 Group Health Coverage Reform Act, Part 5, Article 50 of Chapter 58
42 of the General Statutes.
43 (3) An analysis of the Healthy New York Program administered by the
44 State of New York, or similar program, that combines the provision of

1 a standardized, streamlined benefit package with state-funded
2 reinsurance in the form of a stop-loss fund that would reimburse
3 insurers for the costs of claims within a defined claims corridor. In
4 conducting the analysis the Commission shall review and consider the
5 proposed committee substitute for Senate Bill 255, 2005 General
6 Assembly. The analysis shall also review the amount in state funds
7 appropriated for the Healthy New York Program since its inception,
8 and corresponding participation rates by employers and eligible
9 individuals.

- 10 (4) An analysis of providing additional tax benefits for small businesses
11 that provide health insurance coverage for their employees.

12 **SECTION 22.4.** Members of the Commission shall receive per diem,
13 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
14 appropriate. The Legislative Services Office shall provide adequate staff for the
15 Commission. The Commission may hire consultants to assist with the study as provided
16 in G.S. 120-32.02(b). The Commission, while in the discharge of its official duties, may
17 exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1
18 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and
19 departments of the State to provide any information, data, or documents within their
20 possession, ascertainable from their records, or otherwise available to them and the
21 power to subpoena witnesses. The Commission may meet during a regular or extra
22 session of the General Assembly, subject to approval of the Speaker of the House of
23 Representatives and the President Pro Tempore of the Senate.

24 **SECTION 22.5.** The Commission shall make an interim report of its
25 findings and recommendations to the 2006 Regular Session of the 2005 General
26 Assembly and shall make a final report of its findings and recommendations to the 2007
27 General Assembly. The interim report may and the final report shall include findings
28 and recommendations on:

- 29 (1) Whether the State should provide for the implementation of a small
30 employer health insurance program that is supported with State funds
31 to ensure comprehensive coverage and affordability for small
32 employer groups, self-employed individuals, and employed but
33 uninsured individuals. If the Commission recommends
34 implementation, the recommendation should specifically address
35 strategies for avoiding adverse selection and crowd-out, eligibility
36 factors such as family income, limitations on claims thresholds and
37 corridors for stop-loss coverage, benefit levels and limitations, and the
38 feasibility and advisability of establishing a State high-risk pool.
- 39 (2) An estimate of the cost to the State to support stop-loss coverage,
40 high-risk coverage, or other approaches to ensuring small employer
41 health insurance access and affordability.
- 42 (3) Other findings and recommendations relevant to the purposes of the
43 study.

1 The Commission shall terminate upon the filing of its final report or the adjournment of
2 the 2007 General Assembly.

3 **SECTION 22.6.** Of the funds appropriated to the General Assembly, the
4 Legislative Services Commission shall allocate funds for the expenses of the
5 Commission established by this Part.
6

7 **PART XXIII. STUDY COMMISSION ON ELIMINATION OF COUNTY**
8 **FINANCIAL PARTICIPATION IN MEDICAID SERVICES (Rand)**
9

10 **SECTION 23.1.** There is established the Legislative Study Commission on
11 the Elimination of County Financial Participation in Medicaid Services.

12 **SECTION 23.2.** The Commission shall consist of 14 members appointed as
13 follows:

- 14 (1) Three members appointed by the President Pro Tempore of the Senate.
- 15 (2) Three members appointed by the Speaker of the House of
16 Representatives.
- 17 (3) One county commissioner and one county manager appointed by the
18 President Pro Tempore of the Senate upon the recommendation of the
19 North Carolina Association of County Commissioners.
- 20 (4) One county commissioner and one county finance officer appointed by
21 the Speaker of the House of Representatives upon the recommendation
22 of the North Carolina Association of County Commissioners.
- 23 (5) One school board representative appointed by the President Pro
24 Tempore of the Senate upon the recommendation of the North
25 Carolina School Boards Association.
- 26 (6) One municipal representative appointed by the Speaker of the House
27 of Representatives upon the recommendation of the North Carolina
28 League of Municipalities.
- 29 (7) One business representative with public finance experience appointed
30 by the Governor upon the recommendation of the North Carolina
31 Citizens for Business and Industry.
- 32 (8) One representative from the executive branch appointed by the
33 Governor.

34 The President Pro Tempore of the Senate and the Speaker of the House of
35 Representatives shall each designate a cochair of the Commission from their appointees.

36 **SECTION 23.3.** The Commission shall study and recommend a permanent
37 financing strategy leading to the elimination of county financial participation in
38 Medicaid services. In conducting the study, the Commission shall consult with the
39 North Carolina Local Government Commission and with the School of Government at
40 the University of North Carolina at Chapel Hill.

41 **SECTION 23.4.** Members of the Commission shall receive subsistence and
42 travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.
43 With the prior approval of the Legislative Services Commission, the Legislative
44 Services Officer shall assign professional and clerical staff to assist in the work of the

1 Commission. With the prior approval of the Legislative Services Commission, the
2 Commission may hold its meetings in the State Legislative Building or the Legislative
3 Office Building. The Commission, while in the discharge of its official duties, may
4 exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1
5 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and
6 departments of the State to provide any information, data, or documents within their
7 possession, ascertainable from their records, or otherwise available to them and the
8 power to subpoena witnesses.

9 **SECTION 23.5.** The Commission shall submit a final written report of its
10 findings and recommendations by April 1, 2006. All reports shall be filed with the
11 President Pro Tempore of the Senate, the Speaker of the House of Representatives, and
12 the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

13 **SECTION 23.6.** From funds appropriated to the General Assembly, the
14 Legislative Services Commission shall allocate funds for the expenses of the
15 Commission established in this Part.

16
17 **PART XXIV. LEGISLATIVE STUDY COMMISSION ON DEFERRED**
18 **DEPOSIT TRANSACTIONS (S.B. 947 – Holloman; Culpepper)**

19
20 **SECTION 24.1.** There is created the Legislative Study Commission on
21 Deferred Deposit Transactions. The Commission shall consist of 10 members,
22 appointed as follows:

- 23 (1) Four members of the Senate appointed by the President Pro Tempore
24 of the Senate.
25 (2) Four members of the House of Representatives appointed by the
26 Speaker of the House of Representatives.
27 (3) One member of the public who is or was engaged in the business of
28 deferred deposit transactions appointed by the President Pro Tempore
29 of the Senate.
30 (4) One member of the public who is concerned with consumer protection
31 appointed by the Speaker of the House of Representatives.

32 Vacancies in membership shall be filled by the original appointing authority.
33 The President Pro Tempore of the Senate and the Speaker of the House of
34 Representatives shall each designate a cochair of the Commission from their appointees.

35 **SECTION 24.2.** The Commission shall study issues related to the regulation
36 of deferred deposit transactions by the State of North Carolina and consumer protection.
37 The purpose of the study shall be to examine the role of the State of North Carolina in
38 the regulation of deferred deposit transactions and to establish statutory protections and
39 safeguards for the protection of consumers. The Commission shall consider the
40 following:

- 41 (1) How other states regulate deferred deposit transactions.
42 (2) The advisability of establishing maximum fees, cooling-off periods
43 between transactions, and mandatory payment plans.
44 (3) Special rules concerning members of the military.

1 (4) How best to regulate the service in North Carolina and the role, if any,
2 of the Commissioner of Banks.

3 (5) Consumer protections and best practices for providers.

4 (6) Other short-term credit alternatives currently available to consumers.

5 **SECTION 24.3.** In conducting the study, the Commission shall actively
6 solicit and consider information received from representatives of deferred deposit
7 companies, banks, the North Carolina Attorney General, the State Banking
8 Commission, the Commissioner of Banks, other interested parties, and the general
9 public.

10 **SECTION 24.4.** The Commission, while in discharge of its official duties,
11 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through
12 G.S. 120-19.4. The Committee may contract for professional, clerical, or consultant
13 services as provided by G.S. 120-32.02. Subject to the approval of the Legislative
14 Services Commission, the Commission may meet in the Legislative Building or the
15 Legislative Office Building. The Legislative Services Commission, through the
16 Legislative Services Officer, shall assign professional staff to assist the Commission in
17 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall
18 assign clerical support staff to the Commission, and the expenses relating to clerical
19 employees shall be borne by the Commission. Members of the Commission shall
20 receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or
21 138-6, as appropriate.

22 **SECTION 24.5.** The Commission shall submit a final written report of its
23 findings and recommendations by April 1, 2006. All reports shall be filed with the
24 President Pro Tempore of the Senate, the Speaker of the House of Representatives, and
25 the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

26 **SECTION 24.6.** Of the funds appropriated to the General Assembly, the
27 Legislative Services Commission shall allocate funds for the expenses of the
28 Commission established by this act.

29 30 **PART XXV. COMMISSION FOR A SOUND BASIC EDUCATION (Lucas)**

31
32 **SECTION 25.1.** The North Carolina Commission for a Sound Basic
33 Education is hereby established. The Commission shall (i) investigate strategies and
34 resources which contribute to the opportunity for North Carolina students to obtain a
35 sound basic education, (ii) analyze all current plans for implementing the strategies
36 developed to enhance every child's ability to fulfill his or her potential, and (iii) if
37 necessary, provide a cost analysis for implementing those plans.

38 **SECTION 25.2.** The Commission shall consist of six members appointed by
39 the President Pro Tempore of the Senate, six members appointed by the Speaker of the
40 House of Representatives, one member designated by the Chairman of the State Board
41 of Education, and one member designated by the Superintendent of the Department of
42 Public Instruction. The President Pro Tempore of the Senate and the Speaker of the
43 House of Representatives shall each designate a cochair of the Commission from their
44 appointees. The Commission shall appoint advisory members to assist it in its work.

1 The advisory members shall include at least two parents of children in the public
2 schools and representatives of State agencies, the Community College System, The
3 University of North Carolina, education organizations, child health organizations, and
4 child advocacy organizations.

5 **SECTION 25.3.** The full Commission shall meet on a monthly basis. The
6 Commission shall develop the necessary and appropriate committees and
7 subcommittees to facilitate completion of its work. The committees and subcommittees
8 shall meet as necessary to effectively conduct the work with which they are charged.
9 Only members of the Commission may vote on any matter before the Commission.

10 **SECTION 25.4.** Members of the Commission and advisory members of the
11 Commission shall receive per diem, subsistence, and travel allowances in accordance
12 with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Commission, while in the
13 discharge of its official duties, may exercise all powers provided for under G.S. 120-19
14 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon
15 the joint call of the cochairs. The Commission may meet in the Legislative Building or
16 the Legislative Office Building. The Legislative Services Commission, through the
17 Legislative Services Officer, shall assign professional staff to assist the Commission in
18 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall
19 assign clerical staff to the Commission, and the expenses relating to the clerical
20 employees shall be borne by the Commission. The Commission may contract for
21 professional, clerical, or consultant services as provided by G.S. 120-32.02. If the
22 Commission hires a consultant, the consultant shall not be a State employee or a person
23 currently under contract with the State to provide services. All State departments and
24 agencies and local governments and their subdivisions shall furnish the Commission
25 with any information in their possession or available to them.

26 **SECTION 25.5.** The Commission shall provide opportunities for substantive
27 and meaningful input into and development and review of the comprehensive plan by
28 all stakeholders in the public education system. These stakeholders include, but are not
29 limited to, students, parents, guardians, educators, school board members, education
30 advocates, and child health professionals. Opportunities for input and review shall
31 include (i) regional public forums, (ii) regular distribution to local newspapers statewide
32 of details of its work and posting of the information on the Internet, (iii) providing
33 stakeholders with the opportunity to identify representative members of stakeholder
34 groups to be included as full participants in the Commission's deliberations, and (iv)
35 open meetings of the Commission and any committees it may create.

36 **SECTION 25.6.** The Commission shall make a final report to the General
37 Assembly by January 15, 2006. The report shall include the details of the plans, the
38 results of the cost analysis and a proposed budget, and any statutory changes necessary
39 to implement the plans on a statewide basis. The Commission shall terminate upon
40 filing its final report or upon the convening of the 2006 Regular Session of the 2005
41 General Assembly, whichever is earlier.

42 **SECTION 25.7.** Of the funds appropriated to the General Assembly, the
43 Legislative Services Commission shall allocate funds for the expenses of the
44 Commission established by this Part.

1
2 **PART XXVI. LEGISLATIVE STUDY COMMISSION ON INFORMATION**
3 **TECHNOLOGY (Malone)**
4

5 **SECTION 26.1.** There is established the Legislative Study Commission on
6 Information Technology. The Commission shall consist of 14 members, appointed as
7 follows:

- 8 (1) Five members of the Senate appointed by the President Pro Tempore
9 of the Senate.
10 (2) Five members of the House of Representatives appointed by the
11 Speaker of the House of Representatives.
12 (3) Two members of the general public with experience in information
13 technology appointed by the President Pro Tempore of the Senate.
14 (4) Two members of the general public with experience in information
15 technology appointed by the Speaker of the House of Representatives.

16 Vacancies in membership shall be filled by the original appointing authority.
17 The President Pro Tempore of the Senate and the Speaker of the House of
18 Representatives shall each designate a cochair of the Commission from their appointees.

19 **SECTION 26.2.** The Commission shall study issues related to information
20 technology in State government and the public schools of the State.

21 **SECTION 26.3.** The Commission, while in discharge of its official duties,
22 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through
23 G.S. 120-19.4. The Commission may contract for professional, clerical, or consultant
24 services as provided by G.S. 120-32.02. Subject to the approval of the Legislative
25 Services Commission, the Commission may meet in the Legislative Building or the
26 Legislative Office Building. The Legislative Services Commission, through the
27 Legislative Services Officer, shall assign professional staff to assist the Commission in
28 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall
29 assign clerical support staff to the Commission, and the expenses relating to clerical
30 employees shall be borne by the Commission. Members of the Commission shall
31 receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or
32 138-6, as appropriate.

33 **SECTION 26.4.** The Commission shall submit a final written report of its
34 findings and recommendations by April 1, 2006. All reports shall be filed with the
35 President Pro Tempore of the Senate, the Speaker of the House of Representatives, and
36 the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

37 **SECTION 26.5.** Of the funds appropriated to the General Assembly, the
38 Legislative Services Commission shall allocate funds for the expenses of the
39 Commission established by this act.
40

41 **PART XXVII. HISTORICALLY UNDERUTILIZED BUSINESS**
42 **CERTIFICATION TASK FORCE (Dorsett)**
43

1 **SECTION 27.1.** Task Force Established; Membership. – The Department of
2 Administration shall establish a Historically Underutilized Business Task Force. The
3 Task Force shall consist of 15 members as follows:

- 4 (1) One member appointed by the North Carolina League of
5 Municipalities.
- 6 (2) One member appointed by the North Carolina Association of County
7 Commissioners.
- 8 (3) One member appointed by the North Carolina School Boards
9 Association.
- 10 (4) One member appointed by the North Carolina Institute for Minority
11 Economic Development.
- 12 (5) Three members appointed by the North Carolina Minority and
13 Women's Business Enterprise Coordinator's Network.
- 14 (6) Eight members appointed by the Office of Historically Underutilized
15 Business, two of whom shall be representatives of the Office, one of
16 whom shall be a minority business owner, one of whom shall be a
17 female business owner, one of whom shall be a disabled business
18 owner, and three of whom shall be public members.

19 Vacancies in membership shall be filled as provided in this section.

20 **SECTION 27.2.** Cochairs; Meetings. – The Task Force shall have two
21 cochairs appointed by the Secretary of Administration from among the members of the
22 Task Force. The Task Force shall meet at least quarterly upon the call of the cochairs.

23 **SECTION 27.3.** Quorum; Voting. – A quorum of the Task Force shall
24 consist of five members. All action shall be taken by a majority vote.

25 **SECTION 27.4.** Duties. – The Task Force shall propose criteria and
26 procedures for: (i) the certification of businesses under G.S. 143-48 and G.S. 143-128.2
27 as Historically Underutilized Businesses; (ii) the creation and maintenance of a database
28 of the businesses certified; and (iii) any other matters related to the certification of
29 businesses as authorized in this section. In determining ownership of a business for
30 purposes of certification, the Task Force shall use the definitions provided in
31 G.S. 143-48 and G.S. 143-128.2.

32 **SECTION 27.5.** Support. – The Department of Administration shall provide
33 meeting facilities and staff support for the Task Force. The Task Force may also seek
34 other assistance, including technical, business, and managerial assistance.

35 **SECTION 27.6.** Report. – The Task Force shall report its proposed criteria
36 and procedures to the Secretary of Administration on or before November 1, 2006, at
37 which time the Task Force shall terminate.

38 **PART XXVIII. SMART START AND CHILD CARE FUNDING STUDY (Hagan)**

39 **SECTION 28.1.** There is established a Smart Start and Child Care Funding
40 Study Commission.

41 **SECTION 28.2.** The Commission shall be composed of 15 members as
42 follows:
43
44

- 1 (1) Four members of the Senate appointed by the President Pro Tempore
2 of the Senate.
- 3 (2) Four members of the House of Representatives appointed by the
4 Speaker of the House of Representatives.
- 5 (3) A representative of the North Carolina Partnership for Children
6 appointed by the President Pro Tempore of the Senate.
- 7 (4) The Secretary of the Department of Health and Human Services or the
8 Secretary's designee.
- 9 (5) A Department of Social Services County Director appointed by the
10 Speaker of the House of Representatives.
- 11 (6) A Department of Public Health County Director appointed by the
12 President Pro Tempore of the Senate.
- 13 (7) A representative of a Local Partnership for Children appointed by the
14 Speaker of the House of Representatives.
- 15 (8) One representative from a private for-profit day care appointed by the
16 President Pro Tempore of the Senate and one representative from a
17 private not-for-profit day care appointed by the Speaker of the House
18 of Representatives.

19 Any vacancy on the Commission shall be filled by the appointing authority.
20 Cochairs of the Commission shall be designated by the President Pro Tempore of the
21 Senate and the Speaker of the House of Representatives from among their respective
22 appointees. The Commission shall meet upon the call of the cochairs.

23 **SECTION 28.3.** The Commission shall invite the Secretary of Health and
24 Human Services to attend each meeting of the Commission and encourage the
25 Secretary's participation in the Commission's deliberations.

26 **SECTION 28.4.** The Commission shall study the funding of the North
27 Carolina Partnership for Children. In conducting the study, the Commission shall
28 consider the following:

- 29 (1) The current funding system of the North Carolina Partnership for
30 Children.
- 31 (2) Any strategies for achieving full funding and full service for North
32 Carolina's young children and families.
- 33 (3) Funding equity among all counties and local partnerships.
- 34 (4) Any other information the Commission deems relevant in providing
35 services to young children and families including child care services.

36 **SECTION 28.5.** Members of the Commission shall receive per diem,
37 subsistence, and travel allowances in accordance with G.S.120-3.1, 138-5, or 138-6, as
38 appropriate. Upon the prior approval of the Legislative Services Commission, the
39 Legislative Services Officer shall assign professional staff to the Commission to aid in
40 its work. The Commission may contract for professional, clerical, or consultant services
41 as provided by G.S. 120-32.02. The Commission may meet during a regular or extra
42 session of the General Assembly, subject to approval of the President Pro Tempore of
43 the Senate and the Speaker of the House of Representatives. The Commission shall
44 meet at various locations around the State in order to promote greater public

1 participation in its deliberations. Subject to the approval of the Legislative Services
2 Commission, the Commission may meet in the Legislative Building or the Legislative
3 Office Building. The Commission, while in the discharge of its official duties, may
4 exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1
5 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and
6 departments of the State to provide any information, data, or documents within their
7 possession, ascertainable from their records, or otherwise available to them and the
8 power to subpoena witnesses.

9 **SECTION 28.6.** The Commission shall make its findings and
10 recommendations in a final report to the 2006 Regular Session of the 2005 General
11 Assembly. Upon the earlier of the filing of its final report or the convening of the 2007
12 General Assembly, the Commission shall terminate.

13 **SECTION 28.7.** From funds appropriated to the General Assembly, the
14 Legislative Services Commission shall allocate funds for the purpose of conducting the
15 study provided for in this section.

16 17 **PART XXIX. STUDY COMMISSION ON ECONOMIC DEVELOPMENT** 18 **INFRASTRUCTURE**

19
20 **SECTION 29.1.** There is created the Study Commission on Economic
21 Development Infrastructure. The Commission shall consist of 32 members as follows:

- 22 (1) Sixteen members appointed by the President Pro Tempore of the
23 Senate.
24 (2) Sixteen members appointed by the Speaker of the House of
25 Representatives.

26 **SECTION 29.2.** At least half of the members appointed to the Commission
27 by the President Pro Tempore of the Senate, and at least half of the members appointed
28 to the Commission by the Speaker of the House of Representatives shall be persons who
29 are not members of the General Assembly and who are either actively engaged in
30 economic development or C-Level Executives of private corporations.

31 **SECTION 29.3.** The President Pro Tempore of the Senate shall appoint two
32 cochairs of the Commission, and the Speaker of the House of Representatives shall
33 appoint two cochairs of the Commission. The Commission may meet at any time upon
34 the joint call of the cochairs. Vacancies on the Commission shall be filled by the same
35 appointing authority as made the initial appointment.

36 **SECTION 29.4.** The Commission shall examine the existing infrastructure
37 for the delivery of economic development, including the many entities involved in
38 economic development. The Commission shall develop a plan to restructure and
39 consolidate the infrastructure for the delivery of economic development to improve its
40 organization and effectiveness. The Commission shall specifically examine the role of
41 the following in the delivery of economic development:

- 42 (1) The Department of Commerce.
43 (2) The regional councils of government created pursuant to
44 G.S. 160A-470.

1 (3) The Economic Development Board created pursuant to
2 G.S. 143B-434. The Commission shall consider whether the Economic
3 Development Board, which is currently advisory in nature, should be
4 reconstituted and given responsibility for policy development or
5 regulatory authority.

6 (4) The regional planning and economic development commissions
7 created pursuant to Article 2 of Chapter 158 of the General Statutes.
8 The Commission shall consider whether regional planning and
9 economic development commissions should be given greater
10 responsibility for marketing and business recruitment.

11 **SECTION 29.5.** The Commission may also examine the feasibility of
12 establishing a North Carolina Economic Disaster Task Force.

13 **SECTION 29.6.** The Commission, while in the discharge of its official
14 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
15 through G.S. 120-19.4. The Commission may contract for professional, clerical, or
16 consultant services as provided by G.S. 120-32.02.

17 **SECTION 29.7.** Subject to the approval of the Legislative Services
18 Commission, the Commission may meet in the Legislative Building or the Legislative
19 Office Building. The Legislative Services Commission, through the Legislative Services
20 Officer, shall assign professional staff to assist the Commission in its work. The House
21 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical support
22 staff to the Commission, and the expenses relating to the clerical employees shall be
23 borne by the Commission. Members of the Commission shall receive subsistence and
24 travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

25 **SECTION 29.8.** The Commission shall submit a final report of its findings
26 and recommendations, including any legislative recommendations, to the 2006 Regular
27 Session of the 2005 General Assembly upon its convening. The Commission shall
28 terminate upon the convening of the 2007 General Assembly.

29 **SECTION 29.9.** Of the funds appropriated to the General Assembly, the
30 Legislative Services Commission shall allocate funds for the expenses of the
31 Commission established by this Part.

32
33 **PART XXX. DEPARTMENTAL ANALYSIS ON FUNDING FOR AREA AND**
34 **COUNTY PROGRAM ADMINISTRATION (Holloman)**

35
36 **SECTION 30.** The Department of Health and Human Services shall conduct
37 an analysis of funding for administration for area and county mental health,
38 developmental disabilities, and substance abuse services programs and shall report the
39 results of its analysis to the Senate Appropriations Committee on Health and Human
40 Services, the House of Representatives Appropriations Subcommittee on Health and
41 Human Services, the Fiscal Research Division, and the Joint Legislative Study
42 Committee on Mental Health, Developmental Disabilities, and Substance Abuse
43 Services not later than May 1, 2006.

1 **PART XXXI. LEGISLATIVE STUDY COMMISSION ON STATE**
2 **GOVERNMENT EFFICIENCY**

3
4 **SECTION 31.1.** Commission Established. – There is established a
5 Legislative Study Commission on State Government Efficiency.

6 **SECTION 31.2.** Membership. – The Commission shall be composed of 12
7 members as follows:

8 (1) Six members of the House of Representatives appointed by the
9 Speaker of the House of Representatives.

10 (2) Six members of the Senate appointed by the President Pro Tempore of
11 the Senate.

12 **SECTION 31.3.** Duties of the Commission. – The Commission shall
13 conduct a comprehensive review of programs and services provided by the State. As
14 part of its review the Commission shall work with the Office of the Governor, the
15 Office of the State Auditor, and the Office of the State Controller, and shall utilize the
16 resources of those offices and other State agencies as appropriate.

17 The Commission shall contract for a performance audit of the executive
18 branch of State government, including The University of North Carolina System. The
19 goals of the audit are to evaluate the efficiency and effectiveness of State government
20 and The University of North Carolina System and to identify specific ways to make
21 improvements. The audit may examine entire departments, agencies, or institutions, or
22 similar programs in several departments. The results of the audit shall be reported on or
23 before February 1, 2007.

24 The performance audit shall include an examination of the efficiency and
25 effectiveness of major management policies, practices, and functions, including the
26 following areas:

27 (1) Planning, budgeting, and program evaluation policies and practices,
28 including an analysis of the compliance of the executive branch and
29 The University of North Carolina System with existing planning
30 requirements, such as the Capital Improvement Planning Act, Article
31 1B of Chapter 143 of the General Statutes.

32 (2) Personnel systems operations and management.

33 (3) State purchasing operations and management.

34 (4) Information technology and telecommunications systems policy,
35 organization, and management.

36 (5) Review of duplications and related or overlapping services or activities
37 for the purpose of coordinating and streamlining programs to achieve
38 consistent and clear objectives.

39 In conducting its study the Commission shall review and evaluate the results
40 of the audit.

41 **SECTION 31.4.** Vacancies. – A vacancy shall be filled by the officer who
42 made the original appointment.

43 **SECTION 31.5.** Cochairs. – The Speaker of the House of Representatives
44 and the President Pro Tempore of the Senate shall designate cochairs of the

1 Commission from among their respective appointees. The Commission shall meet upon
2 the call of the cochairs. A quorum of the Commission shall be seven members.

3 **SECTION 31.6.** Expenses of Members. – Members of the Commission shall
4 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
5 138-5, or 138-6, as appropriate.

6 **SECTION 31.7.** Staff. – The Legislative Services Commission, through the
7 Legislative Services Officer, shall assign professional staff to assist the Commission in
8 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall
9 assign clerical staff to the Commission, and the expenses related to the clerical
10 employees shall be borne by the Commission.

11 **SECTION 31.8.** Consultants. – The Commission may employ consultants to
12 assist with the study as provided in G.S. 120-32.02.

13 **SECTION 31.9.** Meetings During Legislative Session. – The Commission
14 may meet during a regular or extra session of the General Assembly, subject to approval
15 of the Speaker of the House of Representatives and the President Pro Tempore of the
16 Senate.

17 **SECTION 31.10.** Meeting Location. – The Commission may meet at
18 various locations around the State in order to promote greater public participation in its
19 deliberations. Subject to the approval of the Legislative Services Commission, the
20 Commission may meet in the State Legislative Building or the Legislative Office
21 Building.

22 **SECTION 31.11.** Report. – The Commission shall submit a final report of
23 its findings and recommendations, together with any recommended legislation and
24 necessary fiscal notes, to the General Assembly. The Commission shall terminate upon
25 the filing of its final report.

26 **SECTION 31.12.** Funds. – Of the funds appropriated to the General
27 Assembly, the Legislative Services Commission shall allocate funds for the expenses of
28 the Commission established by this Part.

29
30 **PART XXXII. RAIL SERVICES COMMISSION (H.B. 89 – Pate, Rapp; S.B. 674**
31 **– Nesbitt)**

32
33 **SECTION 32.1.** Commission Established. – There is established in the
34 General Assembly a Joint Legislative Commission on Expanding Rail Service. The
35 Commission shall be composed of 16 members as follows:

- 36 (1) Eight members of the House of Representatives appointed by the
37 Speaker of the House of Representatives.
38 (2) Eight members of the Senate appointed by the President Pro Tempore
39 of the Senate.

40 **SECTION 32.2.** Duties of Commission. – The Commission shall study the
41 following matters related to expanding rail service in North Carolina:

- 42 (1) The cost and benefits of expanding and upgrading rail service in the
43 State, including the effect the expanded service would have on
44 economic development.

- 1 (2) The feasibility, cost, and benefits of establishing commuter rail service
2 in the State to transport workers to cities from outlying areas,
3 including the effect the commuter service would have on increasing
4 the economic opportunities of those who live in the outlying areas.
- 5 (3) The cost and benefits of expanding passenger rail service to the
6 western and eastern areas of the State, including the effect the
7 expanded service would have on tourism.
- 8 (4) Ways to preserve unused or abandoned rail corridors for future rail
9 needs.
- 10 (5) Spurring economic development and tourism through further
11 development of short-line railroads.

12 Any vacancy on the Commission shall be filled by the appointing authority.
13 Cochairs of the Commission shall be designated by the Speaker of the House of
14 Representatives and the President Pro Tempore of the Senate from among their
15 respective appointees. The Commission shall meet upon the call of the cochairs. A
16 quorum of the Commission shall be nine members.

17 **SECTION 32.3.** Expenses of Members. – Members of the Commission shall
18 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
19 138-5, or 138-6, as appropriate.

20 **SECTION 32.4.** Staff. – Adequate staff shall be provided to the Commission
21 by the Legislative Services Office.

22 **SECTION 32.5.** Consultants. – The Commission may contract for
23 professional, clerical, or consultant services as provided by G.S. 120-32.02.

24 **SECTION 32.6.** Cooperation. – The Commission may call upon any
25 department, agency, institution, or officer of the State or any political subdivision
26 thereof for facilities, data, or other assistance.

27 **SECTION 32.7.** Meetings During Legislative Session. – The Commission
28 may meet during a regular or extra session of the General Assembly, subject to approval
29 of the Speaker of the House of Representatives and the President Pro Tempore of the
30 Senate.

31 **SECTION 32.8.** Meeting Location. – The Commission shall meet at various
32 locations around the State in order to promote greater public participation in its
33 deliberations. The Legislative Services Commission shall grant adequate meeting space
34 to the Commission in the State Legislative Building or the Legislative Office Building.

35 **SECTION 32.9.** Report. – The Commission shall make an interim report of
36 its findings and recommendations to the 2006 Regular Session of the 2005 General
37 Assembly and shall make a final report of its findings and recommendations to the 2007
38 General Assembly. Upon the filing of its final report, the Commission shall terminate.

39 **SECTION 32.10.** Appropriation. – Of the funds appropriated to the General
40 Assembly, the Legislative Services Commission shall allocate funds for the expenses of
41 the Commission.

42
43 **PART XXXIII. STUDY MITIGATION OF POTENTIAL FLOODING IN**
44 **CERTAIN AREAS (H.B. 24 – Gillespie; Goforth, Rapp)**

1
2 **SECTION 33.** The Department of Environment and Natural Resources shall
3 study the causes of the flooding in Canton, Biltmore Village, Blue Ridge Paper
4 Company, and the City of Newland to determine what measures can be taken to prevent
5 or mitigate the flooding potential in those areas. The Department may request the
6 assistance of the United States Army Corps of Engineers in this study. The Department
7 of Environment and Natural Resources shall report its findings to the 2006 Regular
8 Session of the 2005 General Assembly.

9
10 **PART XXXIV. STUDY THE ORGANIZATION OF THE GENERAL COURT**
11 **OF JUSTICE INTO DISTRICTS AND DIVISIONS (S.B. 173 – Bingham)**

12
13 **SECTION 34.** The North Carolina Courts Commission shall study the
14 current state of the General Court of Justice, focusing on workloads, case backlogs, and
15 other issues relevant to the efficient administration of justice and determine whether the
16 current organization of the State into judicial divisions, superior court districts, district
17 court districts, and prosecutorial districts is in need of revision or adjustment in order to
18 better serve the interests of justice. The Commission shall report its findings and
19 recommendations to the 2006 Regular Session of the 2005 General Assembly.

20
21 **PART XXXV. STUDY INHERENTLY DANGEROUS ANIMALS (S.B. 1032 –**
22 **Garwood)**

23
24 **SECTION 35.1.** The Department of Environment and Natural Resources, in
25 consultation with the North Carolina Zoological Park and the Wildlife Resources
26 Commission, shall study the need to protect the public against the health and safety
27 risks posed by inherently dangerous animals and propose a means of best providing that
28 protection to the public while protecting the welfare of inherently dangerous animals as
29 well. In developing recommendations, the Department shall consult with the following
30 entities or groups, or appropriate representatives of those entities or groups:

- 31 (1) The Department of Agriculture and Consumer Services.
32 (2) The Division of Public Health of the Department of Health and Human
33 Services.
34 (3) The North Carolina State University College of Veterinary Medicine.
35 (4) The State Animal Response Team.
36 (5) Local law enforcement officials.
37 (6) Local animal control officials.
38 (7) Wild animal breeders.
39 (8) Exotic pet hobbyists.
40 (9) Commercial pet retailers.
41 (10) Small zoo owners.
42 (11) Humane organizations.
43 (12) Any other entities or groups whose interests may be affected by
44 proposed regulations.

1 **SECTION 35.2.** The Department shall report its findings to the General
2 Assembly no later than the convening of the 2006 Regular Session of the 2005 General
3 Assembly. Any legislation recommended in the report may be considered during the
4 2006 Regular Session of the 2005 General Assembly.

5 **SECTION 35.3.** The report made by the Department of Environment and
6 Natural Resources shall include:

- 7 (1) A list of the types of animals that possess such inherently dangerous
8 characteristics that they should not be owned or possessed by persons
9 who do not have special expertise or training, and a determination as to
10 whether these animals should be grouped into classes for differential
11 treatment based upon the nature and extent of the threat they pose to
12 the public. This list should also include information about the nature of
13 the dangers posed by each type of animal.
- 14 (2) A suggested means for regulating ownership of certain animals,
15 including a means of enforcing any proposed restrictions on the
16 ownership or possession of those animals. This portion of the report
17 may include an evaluation of regulations in place in other jurisdictions
18 that have proven to be effective in protecting the public from
19 inherently dangerous animals.
- 20 (3) A plan for addressing inherently dangerous animals that are indigenous
21 species within the jurisdiction of the Wildlife Resources Commission
22 under Article 22 of Chapter 113 of the General Statutes and a
23 consideration as to whether any potential legislation should broadly
24 address the keeping of any wildlife as pets, whether indigenous or not
25 and whether inherently dangerous or not. This portion of the report
26 should result from extensive consultation with the Wildlife Resources
27 Commission.
- 28 (4) A recommendation as to whether persons owning or possessing
29 animals covered by any proposed restrictions should be grandfathered
30 in under a regulatory scheme and the appropriate means of
31 grandfathering those persons in, including consideration of whether
32 certain animals are so threatening to the public safety that the
33 grandfathering of untrained owners or possessors should not be
34 allowed under any circumstances.
- 35 (5) A recommended list, as comprehensive as possible, of persons and
36 entities that should be exempted from the proposed restrictions on
37 ownership or possession of the animals covered by any proposed
38 restrictions, such as zoos, veterinary hospitals, wildlife sanctuaries,
39 research institutions, and the like.

40
41 **PART XXXVI. STATE FAIR HOUSING ACT STUDY (Kinnaird)**
42

43 **SECTION 36.** The North Carolina Human Relations Commission shall
44 study whether the State Fair Housing Act should be amended to make it an unlawful

1 discriminatory housing practice to refuse to enter into a residential real estate
2 transaction with a person based upon the fact that the person receives public assistance
3 due to age or physical or mental disability. In studying this issue, the Commission shall
4 review the laws of other states related to housing discrimination and determine the
5 extent to which certain forms of public assistance are protected under those laws. While
6 conducting the study, the Commission shall consult with representatives from the
7 residential real estate and residential rental community. The Commission shall report its
8 findings and any recommendations to the 2006 Regular Session of the 2005 General
9 Assembly.

10
11 **PART XXXVII. STUDY YOUTHFUL OFFENDERS (H.B. 1298 – Bordsen)**

12
13 **SECTION 37.1.** The North Carolina Sentencing and Policy Advisory
14 Commission may study issues related to the conviction and sentencing of youthful
15 offenders aged 16 to 21 years, to determine whether the State should amend the laws
16 concerning these offenders, including, but not limited to, revisions of the Juvenile Code
17 and/or the Criminal Procedure Act that would provide appropriate sanctions, services,
18 and treatment for such offenders. In conducting the study, the Commission may review
19 the laws concerning juveniles and youthful offenders from the federal government,
20 other states, and the relevant North Carolina laws and programs. The Commission shall
21 consult with the Department of Correction, the Department of Health and Human
22 Services, the Department of Juvenile Justice and Delinquency Prevention, and the
23 Department of Public Instruction in conducting the study.

24 **SECTION 37.2.** The Commission shall submit a preliminary report to the
25 2006 Regular Session of the 2005 General Assembly by June 1, 2006, and shall submit
26 a final report, along with any recommended legislation, by March 1, 2007, to the 2007
27 General Assembly.

28
29 **PART XXXVIII. WILMINGTON RACE RIOT COMMISSION (Wright)**

30
31 **SECTION 38.1.** Section 17.1(c) of S.L. 2000-138, as amended by Section
32 3.1 of S.L. 2002-180 and Section 41.1 of S.L. 2004-161, reads as rewritten:

33 **"Section 17.1.(c)** The Commission shall consist of 13 members, each of whom shall
34 serve a ~~five-year~~ six-year term. Commission members shall be appointed on or before
35 September 1, 2000, as follows:

- 36 (1) The President Pro Tempore of the Senate shall appoint three members.
37 (2) The Speaker of the House of Representatives shall appoint three
38 members.
39 (3) The Governor shall appoint three public members, one of whom shall
40 be a historian.
41 (4) The Mayor and City Council of the City of Wilmington shall appoint
42 two members.
43 (5) The New Hanover County Commissioners shall appoint two members.

44 The Commission shall terminate on ~~December 31, 2005.~~ June 30, 2006."

1 **SECTION 38.2.** Section 17.1(g) of S.L. 2000-138, as amended by Section
2 3.2 of S.L. 2002-180 and Section 41.4 of S.L. 2004-161, reads as rewritten:

3 **"Section 17.1.(g)** The Commission's officers shall consist of two cochairs, a
4 vice-chair, and other officers deemed necessary by the Commission to carry out the
5 purposes of this Article. The President Pro Tempore of the Senate and the Speaker of
6 the House of Representatives shall appoint the cochairs of the Commission. All other
7 officers shall be elected by the Commission. All officers shall serve for ~~five-year~~
8 six-year terms and shall serve until their successors are elected and qualified."

9 **SECTION 38.3.** Section 17.1(j) of S.L. 2000-138, as amended by Section
10 3.3 of S.L. 2002-180 and Section 41.5 of S.L. 2004-161, reads as rewritten:

11 **"Section 17.1.(j)** The Commission may submit to the General Assembly an interim
12 report of its findings and recommendations. The Commission shall submit to the
13 General Assembly a final report of its findings and recommendations no later than
14 ~~December 31, 2005.~~ June 30, 2006. The final report may include suggestions for a
15 permanent marker or memorial of the riot and whether to designate the event with a
16 historic site."

17
18 **PART XXXIX. HEALTH CARE NEEDS HOKE COUNTY (H.B. 797 – Pierce)**

19
20 **SECTION 39.** The Department of Health and Human Services, Office of
21 Research, Demonstrations, and Rural Health Development, may evaluate the health care
22 needs in Hoke County and other health professional shortage areas of the State without
23 inpatient services and with a high percentage of uninsured residents. The Department
24 shall report on its evaluation to the Joint Legislative Health Care Oversight Committee
25 not later than January 1, 2006, and shall submit a final report not later than April 1,
26 2006.

27
28 **PART XL. LEGISLATIVE COMMISSION ON AUTISM, LAW**
29 **ENFORCEMENT, PUBLIC SAFETY, AND FIRST RESPONDERS (Culpepper)**

30
31 **SECTION 40.1.** Commission Established. – There is established in the
32 General Assembly a Joint Legislative Study Commission on Autism Spectrum Disorder
33 (ASD), Law Enforcement, Public Safety, and First Responders.

34 **SECTION 40.2.** Membership. – The Commission shall be composed of 20
35 members as follows:

- 36 (1) Three members of the House of Representatives appointed by the
37 Speaker of the House of Representatives.
38 (2) Three members of the Senate appointed by the President Pro Tempore
39 of the Senate.
40 (3) Fourteen members from the Independent Task Force on Autism, Law
41 Enforcement, and First Responders.

42 **SECTION 40.3.** Duties of Commission. – The Commission shall study and
43 make recommendations to pertinent State departments and agencies regarding the
44 following matters related to autism-specific training and education of law enforcement

1 personnel, judges, magistrates, district attorneys, public safety personnel, and first
2 responders:

- 3 (1) Promote the inclusion of autism-specific training and education in
4 public safety training as well as in-service training in the N.C.
5 Criminal Justice Education and Training Standards Commission Basic
6 Law Enforcement Training (BLET) and the North Carolina
7 Community College System Public Safety and First Responder
8 Continuing Education.
- 9 (2) Track the distribution of autism-specific training and educational
10 materials through the North Carolina Community College System
11 collaborating efforts with the Criminal Justice Standards Division of
12 the Department of Justice to help ensure statewide continuity of
13 autism-specific education and training.
- 14 (3) Members may be available to make presentations regarding the
15 importance of appropriate autism-specific education and training to
16 law enforcement personnel, community colleges, public safety
17 personnel, first responder units, judges, district attorneys, magistrates,
18 and related organizations and associations in North Carolina.

19 Any vacancy on the Commission shall be filled by the appointing authority.
20 Cochairs of the Commission shall be designated by the Speaker of the House of
21 Representatives and the President Pro Tempore of the Senate from among their
22 respective appointees. The Commission shall meet upon the call of the chairs. A
23 quorum of the Commission shall be nine members.

24 **SECTION 40.4.** Expenses of Members. – Members of the Commission shall
25 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
26 138-5, or 138-6, as appropriate.

27 **SECTION 40.5.** Staff. – Adequate staff shall be provided to the Commission
28 by the Legislative Services Office.

29 **SECTION 40.6.** Consultants. – The Commission may contract for
30 professional, clerical, or consultant services as provided by G.S. 120-32.02.

31 **SECTION 40.7.** Cooperation. – The Commission, while in the discharge of
32 its official duties, may exercise all the powers provided under the provisions of
33 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request
34 all officers, agents, agencies, and departments of the State to provide any information,
35 data, or documents within their possession, ascertainable from their records, or
36 otherwise available to them and the power to subpoena witnesses.

37 **SECTION 40.8.** Meetings During Legislative Session. – The Commission
38 may meet during a regular or extra session of the General Assembly, subject to approval
39 of the Speaker of the House of Representatives and the President Pro Tempore of the
40 Senate.

41 **SECTION 40.9.** Meeting Location. – The Commission shall meet at various
42 locations around the State in order to promote greater public participation in its
43 deliberations. The Legislative Services Commission shall grant adequate meeting space
44 to the Commission in the State Legislative Building or the Legislative Office Building.

1 **SECTION 40.10.** Report. – The Commission shall make an interim report of
2 its findings and recommendations to the 2006 Regular Session of the 2005 General
3 Assembly and shall make a final report of its findings and recommendations to the 2007
4 General Assembly. Upon the filing of its final report, the Commission shall terminate.

5 **SECTION 40.11.** Appropriation. – Of the funds appropriated to the General
6 Assembly, the Legislative Services Commission shall allocate sufficient funds for the
7 expenses of the Commission.
8

9 **PART XLI. LEGISLATIVE COMMISSION ON PATIENT SAFETY (H.B. 1334 –**
10 **L. Allen, England, Rapp)**
11

12 **SECTION 41.1.** Commission Established. – There is established the Joint
13 Legislative Study Commission on Promoting Patient Safety in the Provision of Health
14 Care. The mission of the Commission is to bring representatives from all aspects of
15 health care together to hold open and comprehensive discussions about issues affecting
16 patient safety in the delivery of health care.

17 **SECTION 41.2.** Membership. – The Commission shall consist of 27
18 members as follows:

- 19 (1) The President Pro Tempore of the Senate shall appoint 12 members:
20 four from the Senate and one representative from each of the
21 following:
22 a. The North Carolina Medical Society;
23 b. The North Carolina Hospital Association;
24 c. The North Carolina Nurses Association;
25 d. Health insurers;
26 e. The North Carolina Association of Pharmacists;
27 f. A retired superior court judge who is not currently a sitting
28 judge but who has experience presiding over civil litigation in
29 this State, recommended by the North Carolina Bar
30 Association;
31 g. The North Carolina Health Care Facilities Association; and
32 h. The Duke Endowment.
- 33 (2) The Speaker of the House of Representatives shall appoint 12
34 members: four from the House of Representatives and one
35 representative from each of the following:
36 a. The North Carolina Medical Society;
37 b. The North Carolina Hospital Association;
38 c. Pharmaceutical Research and Manufacturers of America, Inc.,
39 its local affiliates or a comparable professional association
40 located in this State;
41 d. Managed care organizations;
42 e. Association of Community Pharmacists, Inc.;
43 f. A retired superior court judge who is not currently a sitting
44 judge but who has experience presiding over civil litigation in

1 this State, recommended by the North Carolina Academy of
2 Trial Lawyers;

3 g. The North Carolina Association, Long Term Care Facilities;
4 and

5 h. The Institute for Public Health, University of North Carolina at
6 Chapel Hill School of Public Health.

7 (3) The Governor shall appoint three members who represent patient
8 advocacy and consumer organizations and are not practicing attorneys.

9 **SECTION 41.3.** Duties. – The Commission shall study current activities
10 being conducted by hospitals and other health care providers to address patient safety in
11 the provision of health care in this State and shall determine the actions that should be
12 taken, including legislative actions and collaboration among agencies and other
13 individuals and entities, to substantially enhance and promote patient safety.

14 **SECTION 41.4.** Reports. – The Commission shall submit a final written
15 report of its findings and recommendations to the General Assembly not later than the
16 convening of the 2007 General Assembly. The Commission may submit a progress
17 report to the 2006 Regular Session of the 2005 General Assembly upon its convening.
18 The reports shall also include legislative proposals necessary to implement the
19 Commission's recommendations and an analysis of the fiscal impact of each
20 recommendation. Upon the filing of its final report, the Commission shall terminate.

21 **SECTION 41.5.** Expenses of Members. – Members of the Commission shall
22 be paid per diem, subsistence, and travel expenses as follows:

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

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

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

30 **SECTION 41.6.** Cochairs; Meetings. – The Speaker of the House of
31 Representatives shall appoint a cochair, and the President Pro Tempore of the Senate
32 shall appoint a cochair for the Commission from their respective appointees. The
33 Commission shall meet upon the call of the chairs. A majority of the Commission
34 members shall constitute a quorum. The Commission may meet during a regular or
35 special session of the General Assembly, subject to the approval of the President Pro
36 Tempore of the Senate and the Speaker of the House of Representatives. The
37 Legislative Services Commission may provide meeting space to the Commission in the
38 State Legislative Building or in the Legislative Office Building.

39 **SECTION 41.7.** Staff. – With the prior approval of the Legislative Services
40 Commission, the Legislative Services Officer shall assign professional staff to assist in
41 the work of the Commission.

42 **SECTION 41.8.** Cooperation by Government Agencies. – The Commission,
43 while in the discharge of its official duties, may exercise all the powers provided under
44 the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the

1 power to request all officers, agents, agencies, and departments of the State to provide
2 any information, data, or documents within their possession, ascertainable from their
3 records, or otherwise available to them and the power to subpoena witnesses.

4 **SECTION 41.9.** Appropriation. – Of the funds appropriated to the General
5 Assembly, the Legislative Services Commission shall allocate sufficient funds for the
6 expenses of the Commission.

7
8 **PART XLII. STUDY OF RATE-SETTING METHODOLOGY FOR**
9 **STATE-FUNDED KIDNEY DIALYSIS (H.B. 1725 – Earle)**

10
11 **SECTION 42.** The Department of Health and Human Services shall study
12 its rate setting methodology for State-funded kidney dialysis services to determine the
13 feasibility of inflationary increases that correspond to rate and inflationary increases
14 provided for equivalent Medicaid services. The Department shall report its findings to
15 the House of Representatives Appropriations Committee and the Senate Appropriations
16 Committee by May 1, 2006.

17
18 **PART XLIII. MENHADEN STUDY COMMISSION (H.B. 955 – Stiller)**

19
20 **SECTION 43.1.** Commission Established; Membership. – The Legislative
21 Commission on Menhaden is hereby established. The Commission shall consist of 10
22 members as follows:

- 23 (1) Five members of the Senate appointed by the President Pro Tempore
24 of the Senate.
25 (2) Five members of the House of Representatives appointed by the
26 Speaker of the House of Representatives.

27 **SECTION 43.2.** Cochairs. – The Commission shall have two cochairs, one
28 senator designated by the President Pro Tempore of the Senate and one representative
29 designated by the Speaker of the House of Representatives from among their respective
30 appointees. The Commission shall meet upon the call of the cochairs.

31 **SECTION 43.3.** Quorum. – A quorum of the Commission shall consist of
32 six members.

33 **SECTION 43.4.** Vacancies. – Any vacancy on the Commission shall be
34 filled as provided in Section 45.1 of this Part.

35 **SECTION 43.5.** Study. – The Commission shall study the management of
36 menhaden and Atlantic thread herring, including whether it should be unlawful to take
37 menhaden or Atlantic thread herring with a purse seine off the shore of Brunswick and
38 New Hanover Counties during all or part of each year.

39 **SECTION 43.6.** Expenses of Members. – Members of the Commission shall
40 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1.

41 **SECTION 43.7.** Meeting Place; Staff. – Upon the prior approval of the
42 Legislative Services Commission, the Commission may meet in the Legislative
43 Building or the Legislative Office Building. Upon the prior approval of the Legislative

1 Services Commission, the Legislative Services Officer shall assign professional staff to
2 the Commission to aid in its work.

3 **SECTION 43.8.** Report. – The Commission shall report its findings and
4 recommendations, including any legislative proposals, to the 2006 Regular Session of
5 the 2005 General Assembly, at which time the Commission shall terminate.

6 **SECTION 43.9.** Funding. – From funds appropriated to the General
7 Assembly, the Legislative Services Commission shall allocate funds for the purpose of
8 conducting the study provided for in this act.

9
10 **PART XLIV. STUDY COMMISSION ON GLOBAL CLIMATE CHANGE (H.B.**
11 **1191 – Haire, Hackney, Stiller, Underhill; S.B. 1134 – Albertson)**

12
13 **SECTION 44.1.** Commission Established; Membership. – The Legislative
14 Commission on Global Climate Change is hereby established. The Commission shall
15 consist of 34 members as follows:

- 16 (1) Nine members appointed by the President Pro Tempore of the Senate.
- 17 (2) Nine members appointed by the Speaker of the House of
18 Representatives.
- 19 (3) The President of Duke Power or the President's designee.
- 20 (4) The President of Progress Energy or the President's designee.
- 21 (5) The President of the North Carolina Citizens for Business and Industry
22 or the President's designee.
- 23 (6) The President of the Manufacturers and Chemical Industry Council of
24 North Carolina or the President's designee.
- 25 (7) The President of the North Carolina Farm Bureau Federation or the
26 President's designee.
- 27 (8) The President of the North Carolina Forestry Association or the
28 President's designee.
- 29 (9) The Southeast Regional Director of Environmental Defense or the
30 Regional Director's designee.
- 31 (10) The Executive Director of the Southern Alliance for Clean Energy or
32 the Executive Director's designee.
- 33 (11) The Executive Director of the North Carolina Coastal Federation or
34 the Executive Director's designee.
- 35 (12) The Executive Director of the North Carolina Conservation Council or
36 the Executive Director's designee.
- 37 (13) The Dean of the Nicholas School of the Environment and Earth
38 Sciences, Duke University, or the Dean's designee.
- 39 (14) The Dean of the College of Agriculture and Life Sciences at North
40 Carolina State University or the Dean's designee.
- 41 (15) The Dean of the School of Agriculture and Environmental Sciences at
42 North Carolina Agricultural and Technical State University or the
43 Dean's designee.

1 (16) The Director of the Carolina Environmental Program at the University
2 of North Carolina at Chapel Hill or the Director's designee.

3 (17) The Distinguished Research Professor (with expertise in sea level
4 change), Department of Geology at East Carolina University.

5 (18) The North Carolina State Climatologist.

6 **SECTION 44.2.** Cochairs. – The Commission shall have two cochairs, one
7 designated by the President Pro Tempore of the Senate and one designated by the
8 Speaker of the House of Representatives from among their respective appointees. The
9 Commission shall meet upon the call of the cochairs.

10 **SECTION 44.3.** Quorum. – A quorum of the Commission shall consist of 18
11 members.

12 **SECTION 44.4.** Vacancies. – Any vacancy on the Commission shall be
13 filled by the original appointing authority as appropriate.

14 **SECTION 44.5.** Purpose and Duties. – The Commission shall have the
15 following purposes and duties:

16 (1) The Commission shall conduct an in-depth examination of issues
17 related to global climate change. This examination shall include all of
18 the following:

19 a. A review of current scientific literature on the possible natural
20 and anthropogenic causes of global climate change.

21 b. A review of actions taken by the federal government and by
22 other states to address global warming.

23 c. An examination of the emissions of greenhouse gases from
24 within the State and the extent to which reductions in the
25 emissions of these gases in the State, region, nation, and
26 worldwide could be expected to affect global climate change.

27 d. An evaluation of the economic opportunities for the State that
28 may result from international, national, and State action to
29 address global climate change and the emerging carbon market.

30 e. The potential impacts of global climate change on the citizens,
31 natural resources, and economy of the State, including
32 agriculture, travel and tourism, recreation, coastal real estate,
33 insurance, and other economic sectors.

34 f. The costs of any action taken by the State to address global
35 climate change on individuals, individual households, local
36 governments, businesses, educational institutions, agricultural
37 operations, the State government, and other institutions and
38 economic sectors.

39 g. The benefits of any action taken by or within the State or other
40 states and at the national or international levels to address
41 global climate change on individuals, individual households,
42 local governments, businesses, educational institutions,
43 agricultural operations, the State government, and other
44 institutions and economic sectors.

1 (2) If, in the course of its examination, the Commission determines that it
2 would be appropriate and desirable for the State to establish a global
3 warming pollutant reduction goal, the Commission may develop a
4 recommended global warming pollutant reduction goal for the State.

5 (3) In conducting its examination of global climate change, the
6 Commission shall consider and integrate the findings and
7 recommendations of the study of issues related to the development and
8 implementation of standards and plans to control emissions of carbon
9 dioxide required by Section 13 of S.L. 2002-4.

10 (4) Based on its examination of global climate change, the Commission
11 shall develop findings and recommendations, including any legislative
12 proposals it determines to be appropriate, for consideration by the
13 General Assembly.

14 **SECTION 44.6.** Additional Duties. – The Commission may work
15 cooperatively with other state and national governments to organize a forum on global
16 climate change, including its causes, impacts, challenges, and opportunities in the
17 southeastern United States. The Commission may also work cooperatively with other
18 State agencies with respect to the agencies' areas of responsibilities regarding
19 greenhouse gas emissions and climate change. (H.B. 1600 – Harrison)

20 **SECTION 44.7.** Expenses of Members. – Members of the Commission shall
21 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
22 138-5, or 138-6, as appropriate.

23 **SECTION 44.8.** Staff. – Upon the prior approval of the Legislative Services
24 Commission, the Legislative Services Officer shall assign professional staff to the
25 Commission to aid in its work.

26 **SECTION 44.9.** Consultants. – The Commission may hire consultants to
27 assist with the study as provided in G.S. 120-32.02(b).

28 **SECTION 44.10.** Report. – The Commission shall report its findings and
29 recommendations to the General Assembly and the Environmental Review Commission
30 on or before November 1, 2006, at which time the Commission shall terminate.

31 **SECTION 44.11.** Funding. – From funds appropriated to the General
32 Assembly, the Legislative Services Commission shall allocate funds for the purpose of
33 conducting the study provided for in this Part.

34
35 **PART XLV. STUDY OF A RENEWABLE ENERGY PORTFOLIO STANDARD**
36 **FOR NORTH CAROLINA (Albertson, Kinnaird)**
37

38 **SECTION 45.1.** The North Carolina Utilities Commission shall engage a
39 United States Department of Energy-sponsored national energy laboratory, and if
40 necessary, a qualified consulting firm, to study the costs and benefits of a renewable
41 energy portfolio standard (RPS) requiring North Carolina's investor-owned utilities to
42 provide varying percentage scenarios up to fifteen percent (15%) of their retail electric
43 sales from renewable energy and energy efficient resources by 2017. In conducting the
44 study, the Utilities Commission shall consider how an RPS will complement the

1 voluntary North Carolina Green Power program and foster the development of a
2 renewable electricity market in the State. This study shall consider and quantify the
3 potential impacts of an RPS on the State's economy, electric service provision, and
4 environmental quality, including:

- 5 (1) Evaluation of in-State renewable energy resources. – An evaluation of
6 potentially available in-State renewable energy resources, including
7 solar photovoltaic; metered solar thermal; run-of-the-river hydropower
8 not to exceed 20 megawatts in electric generation capacity per site;
9 landfill gas; nonutility combined heat and power; wind power; ocean
10 current and wave energy; biomass from agricultural wastes, animal
11 wastes, hog wastes using innovative waste management systems that
12 do not employ a lagoon as defined in G.S. 143-215.10(a), wood wastes
13 from industrial processes, nonwoody energy crops, urban wood wastes
14 and mill residues; and energy efficiency measures that provide
15 substantial, long-term energy savings to the retail customer as
16 compared with currently used technology.
- 17 (2) Estimation of potential benefits. – An estimation of the potential
18 benefits that will contribute to the total cost of implementing an RPS
19 and indirectly provide economic, social, and environmental benefits to
20 the State, including employment, additions to Gross State Product and
21 income; the hedge value to investor-owned utilities, electric
22 membership cooperatives and municipalities of reduction in natural
23 gas prices and wholesale electric prices resulting from displacement of
24 natural gas-fired electric generation by renewable energy generation
25 and energy efficiency measures; benefits from reduction in energy
26 losses in transmission and distribution lines, deferral of substation
27 upgrades, reduction in reactive power loss, and increased reliability of
28 electric supply; and impacts on CO2 emissions, criteria air pollutant
29 emissions regulated by the Federal Clean Air Act Amendments of
30 1990, and water use.
- 31 (3) Estimation of potential costs. – An estimation of potential costs that
32 will contribute to the total cost of implementing an RPS policy,
33 including the current and future cost and performance of renewable
34 energy technologies; electric transmission costs; time differentiation of
35 renewable energy generation based on potential in-State renewable
36 energy resources; capacity value, integration and administration and
37 transaction costs of renewable energy resources; and avoided costs
38 using a conventional plant proxy, integrated energy model or a
39 dispatch simulation model based on mix of potential in-State
40 renewable energy resources.
- 41 (4) Inclusion of incentives and model parameters. – Use of quantified
42 parameters in economic models for fossil fuel price uncertainty;
43 renewable energy technology costs; federal and State tax credit
44 availability for renewable energy resources; presence of

1 interconnection and net metering standards; varying RPS percentage
2 scenarios ranging up to fifteen percent (15%) of investor-owned utility
3 retail electric sales; financing and contracting assumptions; availability
4 of imports; wholesale market uncertainty; resource eligibility; and
5 growth in energy load.

6 **SECTION 45.2.** In studying the items listed in Section 45.1 of this Part, the
7 North Carolina Utilities Commission shall, with assistance from the Department of
8 Commerce, Department of Agriculture, Department of Environment and Natural
9 Resources, and the State Energy Office, consider the impact of the estimated costs and
10 benefits of a renewable energy portfolio standard on residential, commercial, and
11 industrial retail consumers of electricity in the State.

12 **SECTION 45.3.** The Utilities Commission shall submit a final report on its
13 findings and recommendations pursuant to this study, including any legislative
14 proposals, to the Environmental Review Commission and the Joint Legislative Utility
15 Review Committee on or before April 1, 2006.

16
17 **PART XLVI. CONTINUE TWENTY-FIRST CENTURY REVENUE SYSTEM**
18 **STUDY COMMISSION (Daughtridge, McGee)**

19
20 **SECTION 46.** Section 46.7 of S.L. 2004-161 reads as rewritten:

21 **"SECTION 46.7.** Report. – The Commission may make an interim report to the
22 ~~2005~~ 2006 Regular Session of the 2005 General Assembly not later than its convening,
23 and must make its final report to the ~~2006 Regular Session of the 2005-2007~~ General
24 Assembly upon its convening. The Commission shall terminate the earlier of the filing
25 of its final report or upon the convening of the ~~2006 Regular Session of the 2005-2007~~
26 General Assembly."
27

28 **PART XLVII. EDUCATION OF STUDENTS WITH DISABILITIES STUDY**
29 **COMMISSION (H.B. 1317 – Glazier, Parmon, Preston, Wiley)**

30
31 **SECTION 47.1.** Commission established. – There is established the Study
32 Commission on the Education of Students with Disabilities.

33 **SECTION 47.2.** Membership. – The Commission shall consist of 21
34 members, as follows:

- 35 (1) The General Assembly shall appoint nine members upon the
36 recommendation of the President Pro Tempore of the Senate, as
37 follows:
38 a. Five members of the Senate;
39 b. One member recommended by the North Carolina School
40 Boards Association;
41 c. One member recommended by the North Carolina Association
42 of Educators;
43 d. One member recommended by the North Carolina Council of
44 Administrators of Special Education; and

- 1 e. One member who is a parent of an exceptional child attending a
2 North Carolina public school.
- 3 (2) The General Assembly, upon the recommendation of the Speaker of
4 the House of Representatives, shall appoint nine members, as follows:
5 a. Five members of the House of Representatives;
6 b. One member recommended by the North Carolina Association
7 of School Administrators;
8 c. One member recommended by the North Carolina Council for
9 Exceptional Children;
10 d. One member from a School of Education of The University of
11 North Carolina whose area of expertise is exceptional children;
12 and
13 e. One member recommended by The Covenant with North
14 Carolina's Children.
- 15 (3) The Governor shall appoint three members, as follows:
16 a. A representative of the Department of Public Instruction;
17 b. The Superintendent of Residential Schools, Department of
18 Health and Human Services; and
19 c. A representative of the Department of Health and Human
20 Services' birth to three-year-old programs for exceptional
21 children.

22 **SECTION 47.3.** Duties. – The Commission shall study and recommend
23 revisions to the General Statutes governing the education of students with disabilities
24 for the following purposes:

- 25 (1) To update definitions and requirements to ensure that the public
26 schools and education programs for students with disabilities are
27 meeting these students' special needs.
- 28 (2) To provide a consistent statutory maximum age for students with
29 disabilities entitled to a free appropriate public education.
- 30 (3) To reflect higher education expectations for children with disabilities
31 and the requirements of the State's school accountability program.
- 32 (4) To ensure that schools and school systems are held accountable for the
33 educational progress of students with disabilities.
- 34 (5) To determine whether the Department of Public Instruction has
35 adopted guidelines that have had an unfunded fiscal impact on local
36 school systems, and if so, how to address this in the future.
- 37 (6) To ensure that the General Statutes are consistent with federal law
38 governing the education of all children, including exceptional children.

39 **SECTION 47.4.** Reports. – The Commission shall submit an interim report
40 of its findings and recommendations to the General Assembly not later than the
41 convening of the 2006 Regular Session of the 2005 General Assembly. The reports shall
42 also include legislative proposals necessary to implement the Commission's
43 recommendations and an analysis of the fiscal impact of each recommendation. The
44 Commission shall submit its final report to the 2007 General Assembly upon its

1 convening. The Commission shall terminate upon the earlier of the filing of its final
2 report or upon the convening of the 2007 General Assembly.

3 **SECTION 47.5.** Expenses of members. – Members of the Commission shall
4 be paid per diem, subsistence, and travel expenses, as follows:

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

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

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

12 **SECTION 47.6.** Cochairs; meetings. – The Speaker of the House of
13 Representatives shall appoint a cochair, and the President Pro Tempore of the Senate
14 shall appoint a cochair for the Commission from their respective appointees. The
15 Commission shall meet upon the call of the chairs. A majority of the Commission
16 members shall constitute a quorum. The Commission may meet during a regular or
17 special session of the General Assembly, subject to the approval of the President Pro
18 Tempore of the Senate and the Speaker of the House of Representatives. The
19 Legislative Services Commission may provide meeting space to the Commission in the
20 State Legislative Building or in the Legislative Office Building.

21 **SECTION 47.7.** Staff. – With the prior approval of the Legislative Services
22 Commission, the Legislative Services Officer shall assign professional staff to assist in
23 the work of the Commission.

24 **SECTION 47.8.** Cooperation by government agencies. – The Commission,
25 while in the discharge of its official duties, may exercise all the powers provided under
26 the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the
27 power to request all officers, agents, agencies, and departments of the State to provide
28 any information, data, or documents within their possession, ascertainable from their
29 records, or otherwise available to them and the power to subpoena witnesses.

30 **SECTION 47.9.** From funds appropriated to the General Assembly, the
31 Legislative Services Commission shall allocate funds for the expenses of the
32 Commission established by this Part.

33
34 **PART XLVIII. STUDY COMMISSION ON HEALTH CARE WORKFORCE**
35 **DEVELOPMENT (Tolson, Goforth, Allred, Bell)**

36
37 **SECTION 48.** Section 34.4 of S.L. 2004-161 reads as rewritten:

38 "**SECTION 34.4.** The Commission shall submit an interim report to the 2005-2006
39 Regular Session of the 2005 General Assembly that contains its recommendations,
40 legislative proposals, and cost analyses. The Commission shall make a final report to
41 the 2006-2007 Regular Session of the 2005 General Assembly and shall terminate upon
42 the earlier of the filing of its final report or April 30, 2006 report."
43

1 **PART XLIX. STUDY COMMISSION ON THE ORGANIZATION, POWERS,**
2 **DUTIES, FUNCTIONS, FUNDING, AND POTENTIAL CONSOLIDATION OR**
3 **ELIMINATION OF STATE BOARDS, COMMISSIONS, AND COUNCILS**
4 **(Harrell)**

5
6 **SECTION 49.1.** There is created the Study Commission on State Boards,
7 Commissions, and Councils. The Commission shall consist of 28 members as follows:

- 8 (1) 14 members appointed by the President Pro Tempore of the Senate.
9 (2) 14 members appointed by the Speaker of the House of
10 Representatives.

11 **SECTION 49.2.** The President Pro Tempore of the Senate shall appoint two
12 cochairs of the Commission and the Speaker of the House of Representatives shall
13 appoint two cochairs of the Commission. The Commission may meet at any time upon
14 the joint call of the cochairs. Vacancies on the Commission shall be filled by the same
15 appointing authority as made the initial appointment.

16 **SECTION 49.3.** The Commission shall examine the organization, powers,
17 duties, functions, and funding of State boards, commissions, and councils. The
18 Commission shall specifically consider the following:

- 19 (1) Whether the boards, commissions, or councils should be eliminated or
20 consolidated with one or more other boards, commissions, or councils.
21 (2) Whether the number of members serving on boards, commissions, and
22 councils or the manner in which members are selected should be
23 altered.
24 (3) Whether the number and frequency of meetings of boards,
25 commissions, and councils should be altered.
26 (4) The cost of supporting each board, commission, or council, including
27 salaries, per diem, travel, clerical and administrative support, and other
28 expenses.
29 (5) The productivity and effectiveness of the boards, commissions, and
30 councils.

31 **SECTION 49.4.** The Commission, while in the discharge of its official
32 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
33 through G.S. 120-19.4. The Commission may contract for professional, clerical, or
34 consultant services as provided by G.S. 120-32.02.

35 **SECTION 49.5.** Subject to the approval of the Legislative Services
36 Commission, the Commission may meet in the Legislative Building or the Legislative
37 Office Building. The Legislative Services Commission, through the Legislative Services
38 Officer, shall assign professional staff to assist the Commission in its work. The House
39 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical support
40 staff to the Commission, and the expenses relating to the clerical employees shall be
41 borne by the Commission. Members of the Commission shall receive subsistence and
42 travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

43 **SECTION 49.6.** The Commission shall submit a final report of its findings
44 and recommendations, including any legislative recommendations, to the 2007 General

1 Assembly upon its convening. The Commission shall terminate upon the convening of
2 the 2007 General Assembly.

3 **SECTION 49.7.** Of the funds appropriated to the General Assembly, the
4 Legislative Services Commission shall allocate funds for the expenses of the
5 Commission established by this Part.
6

7 **PART L. STUDY COMMISSION ON WORKER RETRAINING (Harrell)**
8

9 **SECTION 50.1.** There is created the Study Commission on Worker
10 Retraining. The Commission shall consist of 32 members as follows:

11 (1) 16 members appointed by the President Pro Tempore of the Senate.

12 (2) 16 members appointed by the Speaker of the House of
13 Representatives.

14 **SECTION 50.2.** At least half of the members appointed to the Commission
15 by the President Pro Tempore of the Senate and at least half of the members appointed
16 to the Commission by the Speaker of the House of Representatives shall be persons who
17 are not members of the General Assembly and who are actively engaged in worker
18 retraining or welfare reform as either private citizens, administrators of State agencies,
19 or administrators or faculty at community colleges in the State.

20 **SECTION 50.3.** The President Pro Tempore of the Senate shall appoint two
21 cochairs of the Commission and the Speaker of the House of Representatives shall
22 appoint two cochairs of the Commission. The Commission may meet at any time upon
23 the joint call of the cochairs. Vacancies on the Commission shall be filled by the same
24 appointing authority as made the initial appointment.

25 **SECTION 50.4.** The Commission shall examine:

26 (1) Business incentives that encourage employers to support efforts by
27 employees to retrain in order to qualify for higher paying or
28 nonexportable jobs by allowing employees time off, reimbursing
29 employees for education expenses, or providing other support.

30 (2) Successful retraining incentive programs in this and other states.

31 **SECTION 50.5.** The Commission, while in the discharge of its official
32 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
33 through G.S. 120-19.4. The Commission may contract for professional, clerical, or
34 consultant services as provided by G.S. 120-32.02.

35 **SECTION 50.6.** Subject to the approval of the Legislative Services
36 Commission, the Commission may meet in the Legislative Building or the Legislative
37 Office Building. The Legislative Services Commission, through the Legislative Services
38 Officer, shall assign professional staff to assist the Commission in its work. The House
39 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical support
40 staff to the Commission, and the expenses relating to the clerical employees shall be
41 borne by the Commission. Members of the Commission shall receive subsistence and
42 travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

43 **SECTION 50.7.** The Commission shall submit a final report of its findings
44 and recommendations, including any legislative recommendations, to the 2007 General

1 Assembly upon its convening. The Commission shall terminate upon the convening of
2 the 2007 General Assembly.

3 **SECTION 50.8.** Of the funds appropriated to the General Assembly, the
4 Legislative Services Commission shall allocate funds for the expenses of the
5 Commission established by this Part.
6

7 **PART LI. LOCAL SCHOOL CONSTRUCTION FINANCING STUDY (Yongue)**

8

9 **SECTION 51.1.** Section 7.32.(b) of S.L. 2004-124 reads as rewritten:

10 "**SECTION 7.32.(b)** Membership. – The Commission shall be composed of 2019
11 members, as follows:

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

31 Vacancies shall be filled by the appointing authority. The President Pro
32 Tempore of the Senate and the Speaker of the House of Representatives shall each
33 appoint a cochair of the Commission."

34 **SECTION 51.2.** Section 7.32.(i) of S.L. 2004-124 reads as rewritten:

35 "**SECTION 7.32.(i)** Reports. – The Commission shall make ~~an interim report to the~~
36 ~~2005 General Assembly no later than January 31, 2005, and a final report to the 2006~~
37 ~~2007 Regular Session of the 2005 General Assembly no later than March 31,~~
38 ~~2006 Assembly.~~ The final report shall contain recommendations for legislation to
39 implement recommendations made by the Commission. ~~The interim report may also~~
40 ~~contain recommendations for legislation.~~ The Commission shall terminate ~~on March 31,~~
41 ~~2006 upon the filing of its final report.~~"

42

43 **PART LII. LEGISLATIVE STUDY COMMISSION ON STATE PERSONNEL** 44 **STATUTES**

1
2 **SECTION 52.** Section 5.1 of S.L. 2004-161 reads as rewritten:

3 **"SECTION 5.1.** The General Assembly may study issues related to the State
4 Personnel Act. The Speaker of the House of Representatives and the President Pro
5 Tempore of the Senate shall designate an appropriate committee to conduct the study.
6 The Committee may make an interim report to the ~~2005-2006~~ General Assembly and
7 shall make its final report to the ~~2006 Regular Session of the 2005-2007~~ General
8 Assembly."
9

10 **PART LIII. HOUSE SELECT STUDY COMMISSION ON CAPITAL**
11 **PUNISHMENT (H.B. 529 – Hackney, Luebke, Cunningham, Earle)**
12

13 **SECTION 53.1.** There is created a House Select Study Commission on
14 Capital Punishment. The Commission shall consist of 10 members appointed as follows:

- 15 (1) Five Representatives appointed by the Speaker of the House of
16 Representatives.
17 (2) Five members of the public appointed by the Governor.

18 In the course of its study, the Commission shall consult with representatives of victims,
19 law enforcement, or other interested parties.

20 **SECTION 53.2.** The Commission shall consider and report on:

- 21 (1) The adequacy of counsel in all stages of capital cases and the
22 sufficiency of guidelines for the appointment and performance of such
23 counsel appointed prior to the enactment of current guidelines and
24 qualifications.
25 (2) The process for judicial review of the merits of constitutional claims in
26 State postconviction and federal habeas corpus proceedings.
27 (3) Any disproportionate racial impact from any aspect of capital case
28 processing.
29 (4) Whether there is discrimination in capital sentencing on the basis of
30 the victim's or the defendant's race.
31 (5) Prosecutorial misconduct as a factor in the imposition of the death
32 penalty.
33 (6) The presence of innocent persons on death row.
34 (7) Whether the felony murder rule should be applied in capital cases.
35 (8) Any other appropriate or relevant subject.

36 **SECTION 53.3.** The Speaker of the House of Representatives shall appoint
37 a chair of the Commission. The Commission may meet at any time upon the call of the
38 chair. Vacancies on the Commission shall be filled by the same appointing authority as
39 made the initial appointment.

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

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

9 **SECTION 53.4.** The Commission shall submit a final written report of its
10 findings and recommendations on or before the convening of the 2008 Regular Session
11 of the 2007 General Assembly. All reports shall be filed with the Speaker of the House
12 of Representatives and the Legislative Librarian. Upon filing its final report, the
13 Commission shall terminate.

14 **SECTION 53.5.** Of the funds appropriated to the General Assembly, the
15 Legislative Services Commission shall allocate funds for the expenses of the
16 Commission established by this section.

17 **PART LIV. BILL AND RESOLUTION REFERENCES**

18 **SECTION 54.** The listing of the original bill or resolution in this act is for
19 reference purposes only and shall not be deemed to have incorporated by reference any
20 of the substantive provisions contained in the original bill or resolution.
21
22

23 **PART LV. EFFECTIVE DATE AND APPLICABILITY**

24 **SECTION 55.** Except as otherwise specifically provided, this act is effective
25 when it becomes law. If a study is authorized both in this act and in the Current
26 Operations and Capital Improvements Appropriations Act of 2005, the study shall be
27 implemented in accordance with the Current Operations and Capital Improvements
28 Appropriations Act of 2005, the study shall be
29 implemented in accordance with the Current Operations and Capital Improvements
30 Appropriations Act of 2005 as ratified.