

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1256

**Rules and Operations of the Senate Committee Substitute Adopted 8/1/07
Third Edition Engrossed 8/1/07**

Short Title: 2007 Studies Bill.

(Public)

Sponsors:

Referred to:

March 26, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH
3 COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND
4 COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND
5 COMMISSIONS.

6 The General Assembly of North Carolina enacts:

7 **PART I. TITLE**

9 **SECTION 1.** This act shall be known as "The Studies Act of 2007."

11 **PART II. LEGISLATIVE RESEARCH COMMISSION**

12
13 **SECTION 2.1.** The Legislative Research Commission may study the topics
14 listed below. When applicable, the bill or resolution that originally proposed the issue or
15 study and the name of the sponsor are listed. Unless otherwise specified, the listed bill
16 or resolution refers to the measure introduced in the 2007 General Assembly. The
17 Commission may consider the original bill or resolution in determining the nature,
18 scope, and aspects of the study. The following groupings are for reference only:

- 19 (1) Criminal Law Issues:
20 a. Grand Juries (S.B.1130 – Clodfelter)
21 b. Execution/Severely Mentally Disabled Defendants (S.B. 1075 –
22 Kinnaird)
23 c. Littering (S.B. 1202 – Jacumin)
24 (2) State/Local Government Employee Issues:
25 a. Expenses and Financing of Parking Decks for State Employees
26 (Rand)
27 (3) Health and Human Services Issues:
28 a. Store-Based Retail Health Clinics (Forrester)

- 1 b. Regulate Smoking by County Ordinance (S.B. 641 – Clodfelter)
2 c. Inherently Dangerous Animals (S.B. 1477 – Jones)
3 (4) Other:
4 a. Equity Building Workforce Housing (S.B. 1420 – Queen)
5 b. Tax Collection Enforcement/Illegal Immigrants (S.B. 988 –
6 Berger of Franklin)
7 c. Fair Housing/Prohibit Discrimination Based on Receipt of
8 Housing Assistance (S.B. 334 – Kinnaird)
9 d. Adopt International Building Code/Streamline Adoption of
10 Code (S.B. 695, S.B. 949 – Clodfelter)
11 e. Supreme Court Rule Making (S.B. 700 – Clodfelter)
12 f. Continue Child Support to Age 21/College (S.B. 310 – Kerr)

13 **SECTION 2.2.** Incidence And Causes Of Medical Errors Occurring In
14 Hospitals, Pharmacies, And Other Health Care Settings In This State (S.B. 64 –
15 Forrester) – The Commission may study the incidence and causes of medical errors
16 occurring in hospitals, pharmacies, and other health care settings in this State. In
17 conducting the study, the Commission may consider actions proposed or taken by other
18 states and at the federal level to reduce medical errors, including mandatory and
19 voluntary medical error reporting requirements.

20 **SECTION 2.3.** Environmental Causes And Triggers Of Cancer (S.B. 66 –
21 Forrester) – The Commission may study the environmental causes and triggers of
22 cancer and the presence of environmental issues in this State that are among the known
23 environmental causes and triggers of cancer.

24 **SECTION 2.4.** Regulation Of Deer Hunting With Dogs (S.B. 330 – Shaw)
25 – The Commission may study the regulation of deer hunting with dogs and determine
26 whether it is more appropriate to authorize the Wildlife Resources Commission to use
27 its discretion to regulate hunting with dogs or whether the General Assembly should
28 regulate it by statute. The membership of the committee assigned to study this issue
29 should contain a balance of citizens representing the interests of both landowners and
30 deer hunters who use dogs.

31 **SECTION 2.5.** Allow A Person To Require Life-Prolonging Measures
32 (S.B. 1046 – Hartsell) – The Commission may study the issue of whether North
33 Carolina law should be amended to allow a person to require life-prolonging measures.
34 If it undertakes the study, the Commission shall involve all stakeholders in the study.

35 **SECTION 2.6.** Improvements In Consumer Credit Reporting Practices (S.B.
36 1137 – Clodfelter) – The Commission may study improvements in consumer credit
37 reporting practices, including means to provide that credit histories reported by
38 businesses and other credit reporting entities that have fewer than 500 customers or
39 accounts can be included as part of a consumer's credit report or credit history. In its
40 study, the Commission may consider all of the following:

- 41 (1) The reasons businesses and other credit reporting entities that have
42 fewer than 500 customers or accounts are not currently included as
43 part of a consumer's credit report or credit history.

- 1 (2) The consequences of businesses and other credit reporting entities that
2 have fewer than 500 customers or accounts not being included as part
3 of consumers' credit reports or credit histories.
- 4 (3) The number of consumers that would benefit from the reporting of
5 additional payment information and whether they fall into any
6 demographic groups.
- 7 (4) The desirability and feasibility of including every business as part of
8 its customers' credit reports.
- 9 (5) The estimated cost of including every business as part of its customers'
10 credit reports and how to pay for the cost, if any.
- 11 (6) Any other issues the Commission considers relevant to this topic.

12 **SECTION 2.7.** Availability And Use Of Prosecutorial Resources To District
13 Attorneys/Dividing Districts (Kinnaird, Snow) – The Commission may contract for an
14 independent study that assesses the availability of prosecutorial resources to the State's
15 district attorneys and that assesses the use and management of those prosecutorial
16 resources by the district attorneys, their staffs, and the Conference of District Attorneys.
17 The study may address the dividing of superior court, district court, and prosecutorial
18 districts, including the circumstances under which dividing a district is appropriate and
19 the associated costs. If the Commission contracts for the study, it shall address all of the
20 following:

- 21 (1) Current prosecutorial resources. – Resources to be considered include
22 those available to district attorneys and their legal, administrative,
23 support, and investigative staff, and the Conference of District
24 Attorneys. The study shall also consider supplemental assistance and
25 resources provided to district attorneys and their staffs through the
26 State or other funding sources.
- 27 (2) Services provided by the State's district attorneys and Conference of
28 District Attorneys and the recipients of those services.
- 29 (3) Funding of prosecutorial services, adequacy of supplies, equipment,
30 and working space, and allocation of prosecutorial resources. – Issues
31 to be considered shall include the following:
 - 32 a. Funding, supplies, equipment, and space required to support
33 prosecutorial services at an appropriate level.
 - 34 b. Distribution of prosecutorial resources and how that distribution
35 is determined.
 - 36 c. Equitable allocation of prosecutorial resources among the
37 geographical areas of the State and between urban and rural
38 areas.
 - 39 d. The proportion of prosecution personnel and budget that is
40 devoted to criminal prosecution, as opposed to other functions
41 or mandates.
 - 42 e. Whether monies from the General Fund should be used to
43 support positions for the Conference of District Attorneys, or

- 1 positions for any other conferences that provide prosecutorial
2 resources.
- 3 (4) The current role of the Conference of District Attorneys and district
4 attorneys in assessing the needs of the public with regard to
5 prosecutorial services and providing assistance in meeting those needs.
6 The study shall also assess the current role, responsibilities, and
7 interaction of the Conference of District Attorneys with regard to the
8 General Assembly and the executive branch and whether those roles
9 and responsibilities should be modified.
- 10 (5) Automation. – The study shall document which prosecutorial services
11 are currently automated and the ability of those systems to interact
12 with each other. The study shall also address areas in which
13 automation could improve or increase the efficiency of prosecutorial
14 services.
- 15 (6) Cost management practices of district attorneys and their staffs. –
16 Practices to be reviewed and considered shall include how well district
17 attorneys' offices manage costs associated with a prosecution such as
18 forensics costs, expert witnesses, and witness travel expenses.
- 19 (7) Caseload management. – In the assessment of caseload management,
20 the study shall focus particularly on whether current management
21 techniques used by district attorneys recognize the critical need to
22 prosecute serious crimes in a timely manner and to keep jail
23 populations at a low level; the techniques, if any, that have been
24 adopted to achieve those objectives; and the effectiveness of those
25 management techniques. Other issues that shall also be considered
26 include the following:
- 27 a. Mechanisms used by the district attorney to manage the
28 incoming caseloads generally.
- 29 b. The screening process, if any, for assessing cases prior to
30 assignment.
- 31 c. Initiatives implemented by a district attorney, if any, to expedite
32 the resolution of certain categories of cases.
- 33 d. The type of statistics, if any, the district attorney's office keeps
34 and for what purposes.
- 35 e. Performance indicators, if any, used by district attorneys. If
36 performance indicators are not being used, then the study shall
37 assess whether implementation of performance indicators
38 would be helpful in achieving management goals and the types
39 of indicators that may assist with caseload management. If there
40 are performance indicators, then the study shall identify the
41 indicators, how they are developed, the effectiveness of the
42 indicators, and whether additional performance indicators or
43 modification of existing performance indicators would be
44 helpful in achieving management objectives.

- 1 (8) How the current management and use of prosecutorial resources affect
2 the following:
3 a. Access to justice.
4 b. Day-to-day functioning of the prosecution service.
5 c. Case management, including the development of case screening
6 mechanisms and protocols for diversion.
7 d. Timely resolution of caseloads.
8 e. Reduction of any backlogs that exist and the impact that current
9 management and use of prosecutorial resources has on the jail
10 population.
11 f. The capacity to handle specialized or complex crimes.
12 g. The effectiveness of district attorneys and their staffs in
13 responding to domestic violence and other crimes of violence.
14 h. Services and support provided to victims.
15 i. Accountability to the public.
16 (9) Any other issue deemed relevant by the Commission.

17 The findings and recommendations of the study shall be reported to the
18 Chairs of the House of Representatives and Senate Appropriations Committee, Chairs of
19 the House of Representatives and Senate Appropriations Subcommittees on Justice and
20 Public Safety, and the Fiscal Research Division by March 15, 2008.

21 **SECTION 2.8.** For-Hire Boat Industry (S.B. 1488 – Shaw) – The
22 Commission may study the economic impact of the for-hire boat industry. If it
23 undertakes this study, the Commission shall:

- 24 (1) Review laws regulating the industry.
25 (2) Examine the impact that the industry has on travel and tourism within
26 the State.
27 (3) Examine the economic condition of the industry.
28 (4) Consider the education and training needs of individuals who operate
29 for-hire boats.
30 (5) Consider whether the number of State permits issued to operators of
31 for-hire boats should be capped.

32 **SECTION 2.9.** Development of Unused Patents (S.B. 338 – Jacumin) – The
33 Commission may study methods of facilitating individuals or corporations in utilizing
34 fully or partially donated patents for business development, including tax credits,
35 exemptions, refunds, or other incentives. The study may also analyze the cost and
36 feasibility of developing a program in which the State evaluates and acquires promising
37 unutilized patents in order to offer them to individuals or corporations for development.

38 **SECTION 2.10.** Golden LEAF Foundation (Jenkins) – The Commission
39 may study the work of the Golden LEAF Foundation, to determine if the Foundation is
40 fulfilling its mission to assist economically distressed communities that traditionally
41 depended on a tobacco-based economy.

42 **SECTION 2.11.** Protection Of Consumers In Real Estate Transactions – The
43 Commission may study the laws and processes related to the closing of residential real

1 estate transactions in North Carolina and their effect on the protection of consumers in
2 this State. If it undertakes the study, the Commission shall:

- 3 (1) Determine what the effect is to consumers when an attorney is not
4 involved in a residential real estate transaction.
- 5 (2) Analyze research and information from North Carolina and other states
6 regarding the effect on consumers of affiliated business relationships
7 between non-attorney settlement agents who are not licensed or
8 regulated by the State, and regarding the effect on consumers of
9 non-attorney settlement agents who are not required to satisfy any
10 standards of financial responsibility.
- 11 (3) Identify and assess alternative residential real estate closing laws and
12 processes from other states.
- 13 (4) Identify and consult with academics who have studied residential real
14 estate closing laws and processes nationally to determine their
15 recommendation concerning best practices for residential real estate
16 closings in this State.

17 **SECTION 2.12.** Elevator Safety – The Commission may study the feasibility
18 and desirability of requiring a license for elevator contractors and mechanics and the
19 inspection and regulation of private residential elevators.

20 **SECTION 2.13.** Zoological Park Funding And Organization (S.B. 1224 –
21 Brunstetter) – The Commission may study issues associated with the Zoological Park,
22 including its organizational structure and funding.

23 **SECTION 2.14.** State Civil Rights Enforcement (S.B. 657 – Dannelly,
24 McKissick) – The Commission may study the enforcement of civil rights in this State
25 and the feasibility of creating a single State agency, division, or commission for civil
26 rights investigations and enforcement. The Commission may consider any other matter
27 that the Commission finds relevant to this study. The Commission may conduct public
28 hearings around the State to solicit firsthand testimony regarding civil rights
29 enforcement issues in North Carolina.

30 **SECTION 2.15.** Post-Tax Supplemental Insurance Products (Rand) – The
31 Commission may study the effective administration of post-tax supplemental insurance
32 products for State employees. If it undertakes the study, the Commission shall:

- 33 (1) Review the efficiency of current operations of individual agency
34 insurance committees as provided in G.S. 58-31-60.
- 35 (2) Examine alternative methods of providing post-tax supplemental
36 products including central coordination.
- 37 (3) Review any other matter pertaining to supplemental insurance
38 products including the types and number of plan options available to
39 State employees.
- 40 (4) Recommend comprehensive legislative proposals to enhance the
41 effectiveness and efficiency of providing post-tax supplemental
42 insurance products.

43 **SECTION 2.16.** Whitewater Sports Risk/Liability (Snow) – The
44 Commission may study whitewater sports risk, safety, and liability of participants and

1 operators. The purpose of the study is to review the appropriate allocation of
2 responsibility and assumption of risk between whitewater sports participants and
3 whitewater sports outfitters.

4 **SECTION 2.17.** Gang Violence/Prevention (S.B. 1358 – Graham) – The
5 Commission may study street gang activity in North Carolina, including the extent of its
6 presence in this State, measures necessary to prevent street gang violence, and
7 successful models for prevention and mitigation from across the country. The study
8 should also include the effectiveness of increased criminal penalties for gang prevention
9 and mitigation, as well as the presence and impact of gangs on the State's corrections
10 system. The Commission may consult with experts from other states and study
11 communities with effective gang prevention and mitigation programs.

12 **SECTION 2.17A.** Wage Disparity Study (McKissick) – The Commission
13 may study:

- 14 (1) The extent of wage disparities in State government employment
15 between men and women as well as race.
- 16 (2) Whether dissimilar State government job categories requiring similar
17 education, training, skills, and responsibilities are being compensated
18 with equal pay.
- 19 (3) The consequences of the disparities on the efficiency of State
20 government, the State's economy, and the families affected.
- 21 (4) Actions that are likely to lead to the elimination and prevention of
22 compensation disparities in State government employment.

23 **SECTION 2.18.** For each Legislative Research Commission committee
24 created during the 2007-2009 biennium, the cochairs of the Legislative Research
25 Commission shall appoint the committee membership.

26 **SECTION 2.19.** For each of the topics the Legislative Research
27 Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the
28 Commission may report its findings, together with any recommended legislation, to the
29 2008 Regular Session of the 2007 General Assembly upon its convening.

30 **SECTION 2.20.** From the funds available to the General Assembly, the
31 Legislative Services Commission may allocate additional monies to fund the work of
32 the Legislative Research Commission.

33 34 **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT** 35 **COMMITTEE STUDIES**

36
37 **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may
38 study the topics listed in this Part and report its findings, together with any
39 recommended legislation, to the 2008 Regular Session of the 2007 General Assembly
40 upon its convening.

41 **SECTION 3.2.** Feasibility And Desirability Of Requiring Carbon Monoxide
42 Detectors In Homes Or Any Public Buildings (Purcell) – The Committee may study the
43 feasibility and desirability of requiring detectors in homes or any public buildings to
44 detect carbon monoxide, the colorless, odorless gas that is produced when any fuel is

1 incompletely burned, before the carbon monoxide builds up to a dangerous level, when
2 it can cause illness or death. If it undertakes the study, the Committee may consider all
3 of the following:

- 4 (1) The current level of risk people face from carbon monoxide poisoning.
- 5 (2) The most common sources of carbon monoxide poisoning within the
6 home or a public building.
- 7 (3) The risk that people face from long-term exposure to low levels of
8 carbon monoxide.
- 9 (4) Whether the current technology of carbon monoxide detectors is
10 capable of detecting risks presented by carbon monoxide from high to
11 low levels of exposure.
- 12 (5) Whether homes, apartments, or any public buildings should be
13 required to install carbon monoxide detectors and, if so, what locations
14 within the home, apartment, or any public building should these
15 detectors be installed to give the greatest protection.
- 16 (6) Any other issues the Committee considers relevant to this topic.

17 **SECTION 3.3.** Signatures on DNR Forms (S.B. 685 – Kinnaird) – The
18 Committee may study the effect of requiring a written and signed concurrence by the
19 patient's guardian or representative on a physician's order form specifying withholding
20 or discontinuing extraordinary means or artificial nutrition or hydration pursuant to
21 G.S. 90-322(b). If the Committee undertakes the study, it shall examine the anticipated
22 effect that amending G.S. 90-322(b) to add this requirement to the current process
23 would have on the provision, withholding, or discontinuation of care involving
24 extraordinary means or artificial nutrition or hydration to patients. Issues that may be
25 addressed by the Committee in its study include current practices relating to issuance of
26 "Do Not Resuscitate" (DNR) orders in other states, the addition of patient guardian or
27 representative signatures to a physician's order form, and anticipated increases or
28 reductions in the provision, discontinuation, or withholding of each of the types of care
29 affected by "DNR" orders.

30 If it undertakes the study, the Committee shall review relevant incident data
31 and shall seek input from the North Carolina Medical Society, the North Carolina
32 Hospital Association, and patient advocacy groups.

33 **SECTION 3.4.** Achieve Goals/Electronic Prescribing (Queen) – The
34 Committee may conduct a study to determine the ability of the public and private health
35 care system in North Carolina to achieve by 2010 the goals established by the North
36 Carolina Institute of Medicine's (IOM) Committee on Medication Errors with respect to
37 electronic prescribing. If it conducts the study, the Department shall identify:

- 38 (1) The State's ability to fulfill the IOM goals.
- 39 (2) The barriers to implementation of the IOM goals.
- 40 (3) What actions need to be taken to facilitate implementation of the IOM
41 goals. This includes a determination of legislation, rules, and payment
42 policies necessary to facilitate implementation of the IOM goals.

43 **SECTION 3.5.** Medicaid Managed Care Organizations – The Committee
44 may study the desirability and feasibility of establishing a program to offer Medicaid

1 services through managed care organizations, including the costs associated with such a
2 program and its potential to provide greater efficiency in the Medicaid program and
3 enhanced access to services.

4
5 **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT**
6 **COMMITTEE STUDIES**

7
8 **SECTION 4.1.** The Joint Legislative Transportation Oversight Committee
9 may study the topics listed in this Part and report its findings, together with any
10 recommended legislation, to the 2008 Regular Session of the 2007 General Assembly
11 upon its convening.

12 **SECTION 4.2.** Red Light Camera Revenue (Rand) – The Committee may
13 study the issue of distribution of revenue from red light cameras.

14 **SECTION 4.3.** Fatal Crashes Involving Unlicensed Drivers (Rand) – The
15 Committee may study the issue of fatal crashes caused by unlicensed drivers.

16 **SECTION 4.4.** Window Tinting Certification (S.B. 1217 – Goodall) – The
17 Committee may study the need for a certification process, for after-factory window tint
18 applied to motor vehicle windows, to ensure that the tint meets all legal requirements
19 and restrictions. If the Committee undertakes the study, the Committee shall study all
20 issues related to a window tint certification process, including who would be
21 responsible for certifying that the tint meets legal requirements, how the certification
22 would be evidenced on the vehicle, the need for additional offenses and penalties, and
23 possible issues associated with enforcement and application of any new requirements to
24 owners of motor vehicles that have after-factory tinted windows that meet current legal
25 requirements.

26 **SECTION 4.5.** Improve, Expedite, And Simplify The Department Of
27 Transportation's Permitting Processes (H.B. 1632 – Carney, Ray, Saunders, Allen) –
28 The Committee may study ways to improve, expedite, and simplify the permitting
29 processes for:

- 30 (1) Street and driveway access permits.
- 31 (2) Right-of-way encroachment agreements.
- 32 (3) Traffic signal agreements to reimburse the Department of
33 Transportation for the Department's inspections services or for the
34 installation of a traffic signal if the Department opts to install the
35 traffic signal.
- 36 (4) Any other permit required for transportation-related purposes.

37 **SECTION 4.6.** Local Government Financing of Transportation Projects
38 (Hoyle) – The Commission may study issues related to local government financing of
39 transportation projects, including use of Powell Bill funds, local authority to construct
40 transportation projects, and local government financing options for transportation
41 projects.

42 **SECTION 4.7.** Transportation Of Individuals Seated In Wheelchairs (S.B.
43 57 – Bingham) – The Committee may study issues relating to the vehicular
44 transportation of individuals seated in wheelchairs. If the Committee undertakes the

1 study, it shall include reviewing appropriate methods of transporting passengers who
2 remain seated in wheelchairs while in motor vehicles and developing guidelines for the
3 installation and use of wheelchair tie-down systems.

4 **SECTION 4.8.** Simultaneous Development Of State Highways And The NC
5 International Port (S.B. 1301 – Soles) – The Committee may study the feasibility and
6 cost of constructing a primary State highway simultaneously with the development of
7 the North Carolina International Port. If undertaken, this study shall determine the most
8 cost-effective way to relieve the traffic congestion of NC Routes 211, 133, and 87, and
9 the feasibility of constructing a new primary State highway to the port facility from U.S.
10 Highway 17 or NC Route 87 north of Boiling Springs Lake city limits.

11 **SECTION 4.9.** Use of Department Of Transportation Fueling Stations By
12 Other State Agencies (S.B. 1313 – Cowell) – The Committee may study the desirability
13 and feasibility of other State agencies using the Department of Transportation's
14 approximately 122 fueling stations located across the State in an effort to reduce or
15 displace the amount of petroleum that State agencies are using for fueling State-owned
16 vehicles and to assist all State agencies that have State-owned vehicle fleets in
17 achieving their twenty percent (20%) reduction or displacement goal of petroleum
18 products consumed by January 1, 2010, that the State adopted under Section 19.5 of
19 S.L. 2005-276, and to increase the State's use of alternative fuels, synthetic lubricants,
20 and efficient vehicles. If undertaken, this study shall consider the desirability and the
21 feasibility of the Department of Transportation's fueling stations providing biodiesel,
22 ethanol, synthetic oils or lubricants, or other alternative fuels for use by other State
23 agencies.

24 **SECTION 4.10.** Transportation Financing, Planning, And Management
25 (S.B. 1319 – Berger of Rockingham) – The Committee may study planning and
26 scheduling of transportation projects, revenues, funding, and expenditures of the
27 Highway Fund, the Highway Trust Fund, and Federal Aid programs for transportation.

28

29 **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**

30 **STUDIES**

31

32 **SECTION 5.1.** The Joint Legislative Education Oversight Committee may
33 study the topics listed in this Part and report its findings, together with any
34 recommended legislation, to the 2008 Regular Session of the 2007 General Assembly
35 upon its convening.

36 **SECTION 5.2.** Future-Ready Core High School Graduation Requirements
37 Adopted By The State Board Of Education (S.B. 1532 – Bingham) – The Committee
38 may study the Future-Ready Core High School Graduation Requirements (Core Course
39 of Study) adopted by the State Board of Education. If it undertakes the study, the
40 Committee shall consider the purposes and goals of the Core Course of Study and any
41 unintended consequences that may arise as a result of the implementation of the Core
42 Course of Study.

1 **SECTION 5.3.** Pilot Career Technology High School Program (S.B. 1473 –
2 Brown, Preston) – The Committee may study a career technology pilot program to
3 prepare students for the twenty-first century workforce and to foster economic growth.

4 **SECTION 5.4.** Charter Schools (S.B. 105 – Goodall; S.B. 106 – Goodall) –
5 The Committee may study the issue of county funding of charter schools, and the issue
6 of removing the cap on the number of charter schools.

7 **SECTION 5.5.** Calculation of Dropout Rate (S.B. 1110 – Preston) – The
8 Committee may study the calculation of the dropout rate annually reported by the State
9 Board of Education to determine any changes that are needed to the definition of a
10 dropout and any changes in data collection to ensure accuracy in reporting the dropout
11 rate. If it undertakes the study, the Committee shall consider not including students as
12 dropouts who have transferred to a community college, college, or university before
13 high school graduation and the community college, college, or university confirms
14 attendance and satisfactory progress towards a high school diploma or its equivalent.
15 The Committee shall consider including students as dropouts who have been expelled
16 from school and have not returned to any school.

17 **SECTION 5.6.** Student Mobility and Academic Achievement (H.B. 1457 –
18 Folwell, Pate, Glazier, Parmon) – The Committee may study the impact of student
19 mobility on academic performance. In the course of the study, the Committee may
20 consider:

- 21 (1) The mobility rates of different student populations, especially those at
22 risk of academic failure, and the relationship between high mobility
23 rates and student performance for different student populations.
- 24 (2) Impediments to receiving a sound basic education that are a product of
25 high mobility rates.
- 26 (3) Strategies for meeting the needs of students who move frequently,
27 especially students at risk of academic failure.

28 **SECTION 5.7.** Innovative Programs For Retired Teachers (S.B. 70 –
29 Pittenger) – The Committee may study the feasibility of establishing innovative
30 programs for retired teachers that support teachers' return to work in order to reduce
31 classroom teacher shortages.

32 **SECTION 5.8.** Professional Development For Teachers (S.B. 1298 –
33 Swindell) – The Committee may study the need for high-quality focused professional
34 development to further build and expand the skills and content knowledge of classroom
35 teachers in order to raise student achievement. If it undertakes the study, the Committee
36 shall study the need to:

- 37 (1) Require additional oversight to ensure that professional development
38 offered at the local level for teacher licensure renewal credit is
39 consistent with State Board of Education policy.
- 40 (2) Develop more structured standards for professional development
41 offered to teachers.

42 **SECTION 5.9.** Accessibility Of University Facilities (S.B. 1498 – Atwater)
43 – The Committee may study the accessibility of facilities within the State University

1 System to severely physically disabled individuals seeking basic access to higher
2 education at constituent institutions.

3 **SECTION 5.10.** Financial Incentives For Students (S.B. 1405 – Hartsell) –
4 The Committee may study the desirability and feasibility of providing financial
5 incentives to public school students in North Carolina in grades 1 through 12 if the
6 student meets academic, disciplinary, attendance, character, and parental involvement
7 goals.

8 **SECTION 5.11.** Public School Governance (S.B. 1462 – Dorsett) – The
9 Committee may study issues related to public school governance and consider the
10 advisability of more closely aligning the governance system of K-12 with that of The
11 University of North Carolina and the Community College System. Specifically, the
12 Committee may assess the current system of appointing members to the State Board of
13 Education, the length of terms for members of the State Board of Education, and the
14 current system of having both a State Superintendent of Public Instruction elected by
15 the people but infused with virtually no authority and an appointed Deputy State
16 Superintendent appointed by and reporting to the State Board of Education and infused
17 with day-to-day authority over the Department of Public Instruction.

18 **SECTION 5.13.** Arts Education For Grades K-12 (Carney) – The
19 Committee may study the current status of arts education in North Carolina's public
20 school grades K-12 and shall evaluate the impact of requiring one credit in arts
21 education for graduation from a North Carolina public high school. Areas of arts
22 education that should be examined by the Committee include:

- 23 (1) The role of arts education in preparing North Carolina children to
24 compete in a global economy, including:
25 a. Arts education and the development of a creative workforce.
26 b. Arts education and international understanding.
27 c. Arts education and impact on math and science learning.
28 (2) The role of arts education in advancing North Carolina's educational
29 goals, including:
30 a. Arts education and increased literacy skills (reading, writing,
31 speaking, listening).
32 b. Arts education and improved student performance (attendance,
33 leadership, problem-solving skills).
34 c. Arts education and social and character development.
35 d. Arts education impact on youth at risk.

36 37 **PART VI. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE STUDIES**

38
39 **SECTION 6.1.** The Joint Legislative Utility Review Committee may study
40 the topics listed in this Part and report its findings, together with any recommended
41 legislation, to the 2008 Regular Session of the 2007 General Assembly upon its
42 convening.

43 **SECTION 6.2.** Emergency Preparedness Plans Of The Public Utilities And
44 Other Electricity Suppliers In The State (S.B. 1151 – Hoyle) – The Committee may

1 study the emergency preparedness plans maintained by the public utilities and other
2 suppliers of electricity in the State in order to determine the adequacy of those plans to
3 meet the needs of the people of the State, the various emergency and other services that
4 may need to operate in the event of an emergency in the State, and the numerous
5 contingencies that may unexpectedly arise in an emergency. If it undertakes this study,
6 the Committee shall consider:

- 7 (1) The adequacy of those plans to meet emergency needs of the residents
8 and businesses of the State.
- 9 (2) The ability of those plans to meet the needs of the various services that
10 must operate in an emergency including police, fire, and emergency
11 medical services, rescue services, hospitals, government services, and
12 any other services that may become necessary.
- 13 (3) The extent to which those plans coordinate the activities of the public
14 utilities and other suppliers of electricity to provide as seamless a
15 delivery of their services as is possible under varying circumstances.
- 16 (4) The integration of the Department of Administration and the
17 Department of Crime Control and Public Safety in those emergency
18 preparedness plans.
- 19 (5) Such other matters as the Committee deems relevant to this study.

20 The Department of Administration and the Department of Crime Control and Public
21 Safety shall cooperate with the Committee in its conduct of this study and shall furnish
22 assistance as may from time to time be requested by the Committee.

23 **SECTION 6.3.** Regulation Of Commercial Ferry Operations By The
24 Utilities Commission (S.B. 1538 – Preston) – The Committee may study issues related
25 to the regulation of commercial ferry operations by the Utilities Commission pursuant to
26 Chapter 62 of the General Statutes in order to determine whether or not commercial
27 ferry operators should continue to be regulated as they currently are. In making this
28 study, the Committee may consider:

- 29 (1) The nature of the services provided by commercial ferry operators,
30 such as whether the services are for recreational purposes,
31 transportation to homes and businesses, or for other purposes.
- 32 (2) The routes operated by commercial ferry operators and the extent of
33 competition on those routes.
- 34 (3) The extent to which commercial ferry operators may be otherwise
35 regulated, such as by the National Park Service.
- 36 (4) If regulation by the Utilities Commission is to continue, whether the
37 form of regulation should be tailored to these services, including a
38 simplified method of adjusting fares for changes in such volatile
39 operating expenses as fuel.
- 40 (5) Such other matters as the Committee deems relevant to this study.

41 The Utilities Commission and the Public Staff shall assist the Committee in its conduct
42 of this study as may from time to time be requested by the Committee. The Committee
43 may hold meetings or hearings in locations convenient to the affected parties as the
44 Committee deems advisable and necessary.

1 **SECTION 6.4.** Adequacy Of The Service Charge For Prepaid Wireless
2 Service And The Manner In Which The Service Charge Is Collected And Remitted To
3 The Wireless 911 Board (S.B. 1400 – Dannelly) – The Committee may study the
4 adequacy of the service charge for prepaid wireless service and the manner in which the
5 service charge is collected and remitted to the Wireless 911 Board. The Committee
6 may propose legislation, if appropriate, to change the service charge for prepaid
7 wireless service and to alter the manner in which the service charge is collected and
8 remitted.

9
10 **PART VII. REVENUE LAWS STUDY COMMITTEE STUDIES**

11
12 **SECTION 7.1.** The Revenue Laws Study Committee may study the topics
13 listed in this Part and report its findings, together with any recommended legislation, to
14 the 2008 Regular Session of the 2007 General Assembly upon its convening.

15 **SECTION 7.2.** Uniformity of Local Occupancy Taxes Throughout The State
16 (S.B. 1150 – Hoyle) – The Committee may study the authority of cities and counties to
17 levy local occupancy taxes to determine the extent to which the authority differs among
18 the cities and counties and the rationale for these differences. If the Committee
19 undertakes the study, it shall include a review of the following features of the local
20 occupancy tax laws:

- 21 (1) The maximum tax rate.
- 22 (2) The authorized use of the revenue generated.
- 23 (3) The rentals subject to the tax.

24 **SECTION 7.3.** Method for Distributing the Franchise Tax on Electric Power
25 Companies (S.B. 1158 – Hoyle) – The Committee may study and recommend a method
26 of distributing electric power company franchise tax revenue to municipalities on the
27 basis of a formula that uses factors such as population and percentage share of prior
28 distributions rather than service inside constantly changing city boundaries. The
29 Committee must consult with the League of Municipalities and the Department of
30 Revenue in developing a recommendation.

31 **SECTION 7.4.** Issues Related To Converting The Starting Point For
32 Determining State Taxable Income From Federal Taxable Income To Federal Adjusted
33 Gross Income (S.B. 1547 – Hoyle) – The Committee may study issues related to
34 converting the starting point for determining State taxable income from federal taxable
35 income to federal adjusted gross income. If the Committee undertakes the study, it
36 shall include all of the following:

- 37 (1) A review of the current deductions and additions to federal taxable
38 income used in determining State taxable income to identify which of
39 these deductions or additions are required by federal law or other State
40 law.
- 41 (2) A review of the current individual income tax credits to determine the
42 extent to which the tax rates set out in G.S. 105-134.2, as amended by
43 Section 2 of this act, would need to be adjusted in order to maintain the
44 current revenue stream if the credits were retained.

1 (3) Any other item the Committee finds relevant to this study.

2 **SECTION 7.5.** New Market Tax Credit (S.B. 1160 – Hoyle) – The
3 Committee may study a State new market tax credit to complement the federal tax
4 credit.

5 **SECTION 7.6.** Earned Income Tax Credit – The Committee may study
6 earned income tax credit participation rates in North Carolina and other states.

7
8 **PART VIII. ENVIRONMENTAL REVIEW COMMISSION STUDIES**

9
10 **SECTION 8.1.** The Environmental Review Commission may study the
11 topics listed in this Part and report its findings, together with any recommended
12 legislation, to the 2008 Session of the General Assembly upon its convening.

13 **SECTION 8.2.** North Carolina Petroleum Underground Storage Tank
14 Program (S.B. 1146 – Hoyle) – The Commission may study the North Carolina
15 petroleum underground storage tank program and the problems of returning to use sites
16 impacted by leaking underground storage tanks. If the Committee undertakes the study,
17 the following issues shall be examined:

- 18 (1) The role of "risk-based corrective action" in protecting both public
19 health and the environment.
- 20 (2) An assessment of whether DENR has fully utilized risk-based
21 corrective action in the program to date and whether implements could
22 be made to fully utilize existing financial resources in the future.
- 23 (3) An assessment of the pace of cleanup "closures", and the DENR's
24 experience with issuing letters of "no further action required"
25 including whether contamination is being addressed promptly and
26 impacted parcels being made eligible for desired commercial
27 transactions that follow appropriate remediation.
- 28 (4) An assessment of fair and equitable funding needs facing the State and
29 the tank owning segment with an examination of solvency issues
30 experienced in the present or expected in the future.
- 31 (5) An examination and survey of other states to determine "model
32 solutions" to address the challenges of financing environmental
33 cleanups following a tank release and the expedited return of impacted
34 parcels to needed and normal real estate commerce.

35 **SECTION 8.3.** Deep River State Trail/State Parks System (S.B. 1431 –
36 Atwater) – The Commission may study the desirability and feasibility of adding the
37 Deep River State Trail to the State Parks System.

38 **SECTION 8.4.** Interstate Compact To Mediate Water Supply Issues (S.B.
39 1360 – Allran) – The Committee may study the need to negotiate an interstate compact
40 with adjoining states that have a river basin that drains into or from North Carolina to
41 mediate and cooperatively resolve water supply disputes that may arise from interbasin
42 transfers and consumptive water uses in river basins that are shared by North Carolina
43 and those states.

1 **SECTION 8.5.** State-Owned Land On Cape Fear River/Burgaw Creek (S.B.
2 780 – Soles) – The Committee may study issues related to the desirability and feasibility
3 of adapting the use of a tract of State-owned land, located in the southeastern part of the
4 State on the Northeast Cape Fear River and the Burgaw Creek that is currently State
5 gamelands, to showcase the natural environment of Southeastern North Carolina,
6 provide environmental education opportunities for youth and adults, and provide
7 recreational opportunities for outdoor enthusiasts.

8 **SECTION 8.6.** Mountain Resources (Queen) – The Committee may study:

- 9 (1) Threats to important mountain resources, such as the Great Smoky
10 Mountains National Park, the Blue Ridge Parkway, the Appalachian
11 Trail, Mt. Mitchell, Lake James, Hickory Nut Gorge, and Gorges State
12 Park, and the consequences to those resources of present trends and
13 land-use practices in the mountains.
- 14 (2) Research and information from North Carolina and other states and
15 jurisdictions regarding state and regional approaches to coordinating
16 provision of infrastructure for the protection of mountain resources,
17 and the efforts to encourage quality growth to protect those resources.
- 18 (3) Strategies or tools that would be helpful to address pressures on
19 important mountain resources and whether and how those strategies
20 and tools should be implemented to protect important mountain
21 resources.
- 22 (4) Determine whether tools and strategies that could be used to protect
23 important mountain resources could be applied to protect other
24 resources in the mountains of North Carolina, including, but not
25 limited to, groundwater, mountain streams, steep slopes and ridgelines,
26 natural heritage areas, recognized historic areas or sites, and farmland.

27
28 **PART IX. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL**
29 **HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE**
30 **SERVICES STUDIES**
31

32 **SECTION 9.1.** The Joint Legislative Oversight Committee on Mental
33 Health, Developmental Disabilities, and Substance Abuse Services may study the topics
34 listed in this Part and report its findings, together with any recommended legislation, to
35 the 2008 Regular Session of the 2007 General Assembly upon its convening.

36 **SECTION 9.2.** Facilities That Provide Housing For Adults With Mental
37 Illness In The Same Location With Adults Without Mental Illness (S.B. 1266 – Nesbitt)
38 – The Committee may study and identify rules and laws that are necessary to regulate
39 facilities that provide housing for adults with mental illness in the same location with
40 adults without mental illness.

41 **SECTION 9.3.** Effectiveness Of The 1915(b) Medicaid Waiver And Of
42 Those LMEs Operating Under A Waiver (S.B. 1266 – Nesbitt) – The Committee may
43 study the effectiveness of the 1915(b) Medicaid waiver and of those LMEs operating
44 under a waiver.

1 **SECTION 9.4.** Granting Of Deemed Status (H.B. 1717 – Holliman) – The
2 Committee may study issues related to the granting of deemed status to certain service
3 providers of mental health, developmental disabilities, and substance abuse services
4 who have received national accreditation.

5
6 **PART X. JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND**
7 **JUVENILE JUSTICE OVERSIGHT COMMITTEE STUDIES**
8

9 **SECTION 10.1.** The Joint Legislative Corrections, Crime Control, and
10 Juvenile Justice Oversight Committee may study the topics listed in this Part and report
11 its findings, together with any recommended legislation, to the 2008 Regular Session of
12 the 2007 General Assembly upon its convening.

13 **SECTION 10.2.** Inmate Access To Education, Training, And Work Release
14 Programs (S.B. 1499 – Atwater) – The Committee may study methods for (i) increasing
15 inmates' access to educational and vocational training opportunities at all State prison
16 facilities and (ii) increasing the number of work release slots at minimum security
17 prisons.

18 **SECTION 10.3.** Recidivism In The Criminal Justice System (Queen) – The
19 Committee may study current data on offender recidivism to identify cost-effective
20 programs and approaches for reducing recidivism rates with a goal of improving public
21 safety and helping offenders become more productive citizens and taxpayers. If it
22 undertakes the study, the Committee shall consider the following:

- 23 (1) The April 15, 2006, report on Recidivism by the North Carolina
24 Sentencing and Policy Advisory Commission and upcoming April
25 2008 report as baseline information for the study.
- 26 (2) Recidivism rates for prisoners, probationers, and parolees in North
27 Carolina.
- 28 (3) Major factors leading to offender recidivism, such as inadequate life
29 skills, work skills, job and housing opportunities, and the lack of
30 substance abuse treatment.
- 31 (4) State and national best practices programs to identify offender-based
32 programs that have proven effective in reducing recidivism.
- 33 (5) North Carolina prison, probation, and parole programs designed to
34 reduce recidivism, including prison "reentry" programs.
- 35 (6) North Carolina probation and parole revocation policies and their
36 impact on recidivism.
- 37 (7) Sentencing alternatives for reducing the prison population.

38 The Committee may develop recommendations for reducing offender recidivism,
39 including funding recommendations. The primary funding recommendations should
40 focus on programs that are cost-effective and have the strongest potential to reduce
41 recidivism. The Committee may make an interim report to the 2008 Regular Session of
42 the 2007 General Assembly and a final report to the 2009 General Assembly. The final
43 report should include recommendations relating to both community corrections and
44 prisons.

1
2 **SECTION 10.4.** Housing Minimum-Custody Offenders In Substance Abuse
3 Treatment Facilities (Dorsett) – The Committee may study the potential for housing
4 minimum-custody offenders sentenced to the North Carolina Department of Correction
5 in private or nonprofit facilities for substance abuse treatment, including:

- 6 (1) A review of the criteria used to screen offenders for placement in those
7 facilities.
8 (2) A comparison of the costs between substance abuse treatment
9 programs operated by the Department of Correction and those operated
10 by private or nonprofit facilities.
11 (3) The number of offenders who are currently being housed in private
12 facilities for the purpose of substance abuse treatment and the number
13 of offenders being treated in substance abuse treatment programs
14 operated by the Department of Correction.
15 (4) Projections for the increase/decrease in the number of offenders who
16 will qualify for residential substance abuse treatment in the next five
17 years and the next 10 years.
18 (5) The need for a residential substance abuse treatment facility for female
19 probationers and parolees; and the proposed location, and renovation
20 and operating costs for such a facility.
21 (6) A comparison of the treatment programs or approach between the
22 Department of Correction and private or nonprofit facilities, and a
23 comparison of program completion data.
24 (7) A review of ways to improve education levels and skills training of
25 inmates to assure successful transition from program to society.
26

27 **PART XI. NORTH CAROLINA STUDY COMMISSION ON AGING STUDIES**
28

29 **SECTION 11.1.** The North Carolina Study Commission on Aging may
30 study the topics listed in this Part and report its findings, together with any
31 recommended legislation, to the 2008 Regular Session of the 2007 General Assembly
32 upon its convening.

33 **SECTION 11.2.** Necessity For Limiting The Authority Of Long Term Care
34 Providers In Hiring Convicted Felons (S.B. 749 – Dannelly) – The Commission may
35 study the need for amending G.S. 131E-265 and G.S. 131D-40 regarding the authority
36 of a nursing home, home care agency, adult care homes, or the contract agency of a
37 nursing home, home care agency, or adult care homes to determine if there is a need to
38 specify certain convictions committed within a given time frame that should
39 automatically disqualify an applicant from employment. If it undertakes the study, the
40 Commission shall consult with the Department of Health and Human Services, the
41 North Carolina Attorney General's office, and long-term care provider associations and
42 advocacy groups.

1 **SECTION 11.3.** WIN A STEP UP/Self-sustaining (S.B. 99 – Dannelly) –
2 The Committee may study the feasibility of the WIN A STEP UP program becoming a
3 self-sustaining program.

4 **SECTION 11.4.** Increasing Medicaid Medically Needy Income Limits (S.B.
5 110 – Malone) – The Committee may study the medically needy income standard. If
6 the Committee undertakes the study, it shall include determining a method for
7 increasing the current standard while providing improved consistency across long-term
8 care settings.

9
10 **PART XII. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON**
11 **INFORMATION TECHNOLOGY STUDIES**

12
13 **SECTION 12.1.** The Joint Legislative Oversight Committee on Information
14 Technology may study the topics listed in this Part and report its findings, together with
15 any recommended legislation, to the 2008 Regular Session of the 2007 General
16 Assembly upon its convening.

17 **SECTION 12.2.** Improvement Of Information Technology Efficiency And
18 Project Management (S.B. 1223 – Cowell) – The Committee may review the outcomes
19 related to the passage of Senate Bill 991 (S.L. 2004-124) regarding the improvement of
20 State information technology efficiency and project management.

21 **SECTION 12.3.** Implementation Of Technologies To Improve Access To
22 Health Care Information (Cowell) – The Committee may examine opportunities for the
23 State to demonstrate leadership in the development and implementation of technologies
24 focused on improving and gaining new efficiencies in the delivery of health care in
25 North Carolina. If it undertakes the study, the Committee shall also address patient
26 privacy issues. The Committee may examine the benefits of increasing access to key
27 health care information through technology applications. The Committee may in its
28 discussions utilize the experience and expertise developed by the North Carolina Health
29 Information and Communication Alliance (NCHICA), an organization originally
30 created by Executive Order of the Governor to explore and identify such opportunities.
31 The Committee may also obtain input from the health care provider community in
32 identifying opportunities for partnerships in these efforts. The Committee may explore
33 the availability of potential funding through federal and other grants focused on these
34 goals, and how North Carolina might take advantage of funding opportunities and play a
35 national leadership role in advances in the use of this technology.

36 The Committee may make an interim report and recommendations to the
37 2008 Regular Session of the 2007 General Assembly, and a final report and
38 recommendations to the 2009 General Assembly.

39
40 **PART XIII. JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE**
41 **OVERSIGHT COMMITTEE STUDIES**

42
43 **SECTION 13.1.** The Joint Legislative Administrative Procedure Oversight
44 Committee may study the topics listed in this Part and report its findings, together with

1 any recommended legislation, to the 2008 Regular Session of the 2007 General
2 Assembly upon its convening.

3 **SECTION 13.2.** Disciplinary Authority Of All Occupational Licensing
4 Boards Subject To Chapter 93B (Rand) – The Committee may undertake a study of the
5 disciplinary authority of all occupational licensing boards subject to Chapter 93B of the
6 General Statutes. The Committee may review the grounds for imposing disciplinary
7 action, the levels of discipline, and the process for making disciplinary determinations
8 used by each of the occupational licensing boards.

9
10 **PART XIV. JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE**
11 **STUDIES**

12
13 **SECTION 14.1.** The Joint Legislative Committee on Domestic Violence
14 may study the topics listed in this Part and report its findings, together with any
15 recommended legislation, to the 2008 Regular Session of the 2007 General Assembly
16 upon its convening.

17 **SECTION 14.2.** Move Domestic Violence Commission – The Committee
18 may study the issue of whether services for domestic violence victims would be
19 delivered more efficiently if the Domestic Violence Commission was separated from
20 the North Carolina Council for Women under the Department of Administration and
21 moved to the Department of Crime Control and Public Safety.

22
23 **PART XV. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH**
24 **CAROLINA STUDY THE DEDICATION OF ONE OR MORE DENTAL**
25 **SCHOLARSHIP-LOAN PROGRAM SLOTS TO DENTISTS SERVING**
26 **SPECIAL CARE POPULATIONS (S.B. 52 – Dorsett)**

27
28 **SECTION 15.1.** The Board of Governors of The University of North
29 Carolina shall study the feasibility of permanently dedicating one or more of the Board
30 of Governors' Dental Scholarship-Loan Program slots to individuals who will
31 predominately treat special care populations, primarily developmentally disabled
32 individuals, and the elderly.

33 **SECTION 15.2.** The Board of Governors of The University of North
34 Carolina shall report findings and recommendations on the study authorized in this
35 section to the North Carolina Study Commission on Aging and to the General Assembly
36 on or before January 15, 2008.

37
38 **PART XVI. BOARD OF DIRECTORS OF THE NORTH CAROLINA HEALTH**
39 **INSURANCE RISK POOL MONITOR METHODS OF FINANCING THE**
40 **POOL TO ENSURE A STABLE FUNDING SOURCE. (S.B. 177 – Rand)**

41
42 **SECTION 16.1.** The Board of Directors of the North Carolina Health
43 Insurance Risk Pool shall monitor methods of financing the Pool to ensure a stable
44 funding source and allow for its continued operation. This monitoring shall include

1 supplementary sources of funding, such as funds obtained from public and private
2 not-for-profit foundations, insurer assessments including special assessments, or other
3 appropriate and available State or non-State funds. The Board shall also review on a
4 regular basis:

- 5 (1) The number of individuals in this State who are uninsured as of a date
6 certain because of high-risk conditions.
- 7 (2) The number of uninsured individuals who would qualify for coverage
8 under the Pool based on G.S. 58-50-265 and its Plan of Operation.
- 9 (3) The cost of coverage under each of the health insurance plans
10 developed by the Board, including administrative costs.
- 11 (4) The extent to which assessments meet or exceed amounts necessary
12 for coverage and Board operations.
- 13 (5) The status of a request by the State to the Centers for Medicare and
14 Medicaid Services for approval of the North Carolina Health Insurance
15 Risk Pool to be considered an acceptable "alternative mechanism"
16 under the federal Health Insurance Portability and Accountability Act
17 in accordance with 45 C.F.R. § 148.128(e).

18 The Board shall report its findings and recommendations to the General
19 Assembly on December 1, 2008, and annually thereafter.

20 **SECTION 16.2.** The Executive Director of the North Carolina Health
21 Insurance Risk Pool shall study methods for encouraging healthy behaviors and report
22 its findings to the Board and to the General Assembly not later than one year after initial
23 implementation of the Pool.

24
25 **PART XVII. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
26 **AND IDENTIFY PROGRAM AND SERVICE NEEDS FOR OLDER ADULTS**
27 **IN BRUNSWICK AND OTHER COUNTIES (S.B. 448 – Soles)**

28
29 **SECTION 17.** The Department of Health and Human Services, Division of
30 Aging and Adult Services, shall study the population profile of Brunswick County and
31 other counties where there is expected to be a significant increase in the number of
32 individuals who are 65 years old or older. The purpose of the study is to determine the
33 anticipated impact on programs and services that address the needs of the older adult
34 population. The study shall identify programs that are currently in place, or are needed,
35 in order to address the needs of the older adult population and shall make
36 recommendations for improved delivery systems. The study shall also identify current
37 funding sources and where additional funds are needed. The Department shall report its
38 findings and recommendations not later than April 1, 2008, to the 2008 Regular Session
39 of the 2007 General Assembly, to the North Carolina Study Commission on Aging, and
40 to the board of county commissioners of each county studied.

41
42 **PART XVIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
43 **OPTIMAL PLACEMENT OF AUTOMATED EXTERNAL**
44 **DEFIBRILLATORS (S.B. 476 – Purcell)**

1
2 **SECTION 18.** The Department shall study locations and incidences of
3 cardiac arrest throughout the State and identify those areas or activities where the public
4 may be at an increased risk of suffering sudden cardiac death to determine optimal
5 placement of automated external defibrillators. The Department shall report its findings
6 and recommendations to the General Assembly on or before March 1, 2008.

7
8 **PART XIX. AUTHORIZE THE COASTAL RESOURCES COMMISSION TO**
9 **IMPLEMENT A PILOT PROJECT TO STUDY THE USE OF TERMINAL**
10 **GROINS FOR OCEAN INLET STABILIZATION (S.B. 599 – Soles)**

11
12 **SECTION 19.1.** Notwithstanding G.S. 113A-115.1, the Coastal Resources
13 Commission may permit the construction of a terminal groin in conjunction with a pilot
14 project to study the use of terminal groins to stabilize ocean inlets. The permit shall
15 include a condition that the terminal groin shall be removed at the permittee's expense if
16 the Coastal Resources Commission finds that the terminal groin is ineffective in
17 stabilizing the inlet or if the Commission finds that the adverse effects of the terminal
18 groin outweigh the benefits. To obtain a permit under this section, an applicant shall:

- 19 (1) Prepare an environmental impact statement for the project that meets
20 the requirements of the North Carolina Environmental Policy Act of
21 1971. The environmental impact statement must include an analysis of
22 alternatives to the proposed terminal groin. The Commission shall not
23 issue a permit unless the environmental impact statement demonstrates
24 that the construction of the terminal groin will have less adverse
25 impact on the environment than any other alternative and demonstrates
26 that the terminal groin will not cause a detrimental effect on adjacent
27 lands or downdrift areas.
28 (2) Provide a financially binding commitment in an amount sufficient to
29 cover the cost of removing the terminal groin and restoring the
30 affected beach.

31 **SECTION 19.2.** The Coastal Resources Commission shall evaluate the
32 effectiveness of the terminal groin in stabilizing the inlet and other benefits or adverse
33 impacts of the terminal groin, if any, over time. The Coastal Resources Commission
34 shall report its findings and recommendations to the Environmental Review
35 Commission on or before January 1 of each year beginning January 1, 2008.

36
37 **PART XX. JOINT STUDY OF CREATING A SYSTEM OF NO-FAULT**
38 **COMPENSATION FOR INJURIES RESULTING FROM CARE PROVIDED**
39 **AT NURSING HOMES, HOMES FOR THE ELDERLY, OTHER**
40 **LONG-TERM CARE FACILITIES, AND ASSISTED LIVING FACILITIES**
41 **(S.B. 959 – Clodfelter)**

42
43 **SECTION 20.** The Commissioner of Insurance, the North Carolina
44 Industrial Commission, and the Department of Health and Human Services shall jointly

1 study the utility, efficacy, and advisability of creating a system of no-fault
2 compensation, with such compensation based on scheduled amounts and subject to
3 limits on total compensation paid, for injuries resulting from regular and ordinary
4 course of care provided at nursing homes, homes for the elderly, other long-term care
5 facilities, and assisted living facilities. The results of this study, including findings and
6 recommendations for suggested legislation, shall be reported to the 2009 General
7 Assembly on or before January 1, 2009.

8
9 **PART XXI. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE**
10 **NORTH CAROLINA HOUSING FINANCE AGENCY ADDRESS GAPS IN**
11 **THE HOUSING CONTINUUM (S.B. 1266 – Nesbitt)**

12
13 **SECTION 21.** The Department of Health and Human Services and the
14 North Carolina Housing Finance Agency shall work together to develop a plan for the
15 most efficient and effective use of State resources in the financing and construction of
16 additional independent- and supportive-living apartments for individuals with mental
17 health, developmental, or substance abuse disabilities. This plan shall address gaps in
18 the housing continuum identified by the study that DHHS will conduct during fiscal
19 year 2006-2007 and fiscal year 2007-2008. DHHS and NCHFA shall report this plan
20 and also the progress of the Housing 400 Initiative to the Joint Legislative Oversight
21 Committee on Mental Health, Developmental Disabilities, and Substance Abuse
22 Services by March 1, 2008.

23
24 **PART XXII. SENTENCING AND POLICY ADVISORY COMMITTEE STUDY**
25 **RECLASSIFYING CERTAIN MISDEMEANORS TO INFRACTIONS**
26 **(Kinnaird, Snow)**

27
28 **SECTION 22.** The Sentencing and Policy Advisory Commission shall study
29 and determine whether there are any offenses that are currently classified as
30 misdemeanors which should be reclassified as infractions because jail sentences are
31 rarely, or never, imposed and because significant funds are being spent for the
32 representation of indigent persons accused of the misdemeanors. The Commission shall
33 submit a written report of its findings and recommendations to the Chairs of the House
34 of Representatives and Senate Appropriations Committees and the Chairs of the House
35 of Representatives and Senate Appropriations Subcommittees on Justice and Public
36 Safety by March 1 of each year.

37
38 **PART XXIII. LEGISLATIVE SERVICES COMMISSION TO STUDY THE**
39 **SECURITY OF THE LEGISLATIVE BUILDING, LEGISLATIVE OFFICE**
40 **BUILDING, AND OTHER PUBLIC BUILDINGS**

41
42 **SECTION 23.** The Legislative Services Commission may study the security
43 of the Legislative Building, the Legislative Office Building, and other public buildings.
44 If undertaken, the study shall include (i) an assessment of the quality of current

1 building security measures; (ii) identification of security issues that need improvement;
2 (iii) a review of best practices around the nation; (iv) an examination of existing
3 technologies that the State could use to secure public buildings and their occupants; and
4 (v) recommendations regarding ways to better protect the lives of State employees and
5 other citizens. The Legislative Services Commission may report its findings to the Joint
6 Select Committee on Emergency Preparedness and Disaster Management Recovery on
7 or before May 1, 2008.

8
9 **PART XXIV. GOVERNOR'S CRIME COMMISSION TO STUDY EXPANDING**
10 **THE JURISDICTION OF THE DEPARTMENT OF JUVENILE JUSTICE**
11 **AND DELINQUENCY PREVENTION TO INCLUDE CRIMINAL ACTS OF**
12 **SIXTEEN-AND SEVENTEEN-YEAR-OLDS (Kinnaird)**

13
14 **SECTION 24.1.** The Governor's Crime Commission and its adjunct
15 committees shall study the legal, systematic, and organizational impact of expanding the
16 jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to
17 include persons 16 and 17 years of age who commit crimes or infractions under State
18 law or under an ordinance of local government. In particular, the Commission shall
19 perform the following functions regarding the proposed expansion of the jurisdiction of
20 the Department of Juvenile Justice and Delinquency Prevention to include 16-and 17-
21 year-olds who commit crimes or infractions under State or local law:

- 22 (1) Identify the costs to the State court system and State and local law
23 enforcement.
- 24 (2) Review the relevant State laws that should be conformed or amended,
25 including, but not limited to, the motor vehicle and criminal laws, the
26 laws regarding expunction of criminal records, and other juvenile laws.
- 27 (3) Review the experience of any other states which have within recent
28 years expanded the juvenile justice jurisdiction to 16-and 17-year-olds.
- 29 (4) Identify the practical issues for the Department of Juvenile Justice and
30 Delinquency Prevention to implement best practices for programs and
31 facilities that would meet the unique needs of the older youth under the
32 proposal without adversely affecting the existing departmental
33 programming.
- 34 (5) Review the relevant State laws on sharing of juvenile information with
35 other State departments and agencies.
- 36 (6) Create a specific plan of the actions that are necessary to implement
37 the expansion of the jurisdiction of the Department of Juvenile Justice
38 and Delinquency Prevention.
- 39 (7) Determine the total cost of expanding the jurisdiction of the
40 Department of Juvenile Justice and Delinquency Prevention.
- 41 (8) Conduct a cost benefit analysis of expanding the jurisdiction of the
42 Department of Juvenile Justice and Delinquency Prevention with
43 specific information on possible future fiscal savings anywhere within

1 State government as a result of expenditures necessary to implement
2 the expansion.

3 (9) Determine whether federal or other funds are available to aid in the
4 transition and expansion, or both, of the age of juvenile jurisdiction to
5 16-and 17-year-olds.

6 **SECTION 24.2.** Independent Contractor or Contractors. – The Commission
7 may contract with an independent group or groups for the oversight and management of
8 this study project, a service needs study, and a courts study, and to periodically report
9 those findings to the Commission.

10 **SECTION 24.3.** Cooperation by Government Agencies. – The Department
11 of Juvenile Justice and Delinquency Prevention and all other departments, agencies,
12 institutions, or officers of the State or any political subdivision of the State shall
13 cooperate with the Commission in this study, shall provide the Commission with any
14 requested facilities, data, or other assistance, and help the Commission identify any
15 collateral effect which might result from implementation of the proposal on the program
16 and operations of the relevant State department, agency, or the political subdivision.

17 **SECTION 24.4.** Funding. – Upon the receipt of funds, the Commission shall
18 use available funds from its budget in conducting this study and may apply for, receive,
19 or accept grants and contributions from any source of money or any other thing of value
20 to be held and used for the purposes of this study.

21 **SECTION 24.5.** Reports. – The Commission shall submit an interim report
22 to the 2008 Regular Session of the 2007 General Assembly and shall submit a final
23 report of its findings and legislative, administrative, and funding recommendations, by
24 January 15, 2009, to the General Assembly and the Governor.

25 In addition to its interim and final report, the Commission shall report in
26 writing on the progress of this study on a quarterly basis beginning on September 1,
27 2007, and by the first day of every quarter thereafter until the Commission submits its
28 final report to the General Assembly, to the chairs and cochairs, as applicable, of the
29 following standing committees or subcommittees of the General Assembly:

30 House of Representatives
31 Appropriations: Justice and Public Safety,
32 Children, Youth, and Families,
33 Education: Preschool, Elementary and Secondary Education,
34 Juvenile Justice,
35 Judiciary I,
36 Judiciary II,
37 Judiciary III; and
38 Senate
39 Appropriations: Justice and Public Safety,
40 Education and Higher Education,
41 Judiciary I,
42 Judiciary II,
43 Mental Health and Youth Services.

1 A copy of each progress report made to the standing committee and
2 subcommittee chairs shall also be filed in the Legislative Library.

3
4 **PART XXV. DEPARTMENT OF CULTURAL RESOURCES TO STUDY THE**
5 **PRESERVATION OF FOLK LIFE RESOURCES (S.B. 1515 – Queen)**

6
7 **SECTION 25.** The Department of Cultural Resources may study the
8 measures necessary to preserve and promote traditional arts and cultures in North
9 Carolina, and to implement heritage development initiatives, in order to enhance
10 community and economic development. Special attention may be given to the effect of
11 heritage development initiatives and how they may assist economically distressed
12 communities across the State. The Department shall report the results of this study to
13 the 2008 Regular Session of the 2007 General Assembly.

14
15 **PART XXVI. UNIVERSITY OF NORTH CAROLINA/DUKE UNIVERSITY TO**
16 **STUDY THE NEED FOR A DEEPWATER RESEARCH VESSEL (Boseman)**

17
18 **SECTION 26.** The University of North Carolina, in collaboration with Duke
19 University, may study the need for a deepwater research vessel in North Carolina. If
20 undertaken, the study shall:

- 21 (1) Examine whether there is a need for North Carolina to expand its
22 current deepwater research capability.
23 (2) Identify the preferred funding source for a research vessel and
24 deepwater research in North Carolina.
25 (3) Outline how best to integrate all the interested research departments in
26 the State into a model partnership for such research, and how the
27 lessons learned may be replicated in other disciplines.
28 (4) Determine whether the model should include both public and private
29 entities.
30 (5) Examine public and private marine research consortiums in other
31 states.

32 If The University of North Carolina undertakes the study, it shall report the
33 results to the Joint Legislative Education Oversight Committee by January 1, 2008.

34
35 **PART XXVII. DEPARTMENT OF ADMINISTRATION TO STUDY**
36 **DISPARITY IN AWARDING STATE CONTRACTS TO MINORITY-**
37 **OWNED AND WOMEN-OWNED BUSINESSES (Shaw, McKissick)**

38
39 **SECTION 27.** The Department of Administration may conduct a study on
40 the availability and utilization of minority-owned and women-owned business
41 enterprises and examine relevant evidence of the effects of race-based and gender-based
42 discrimination upon the utilization of such business enterprises in contracts for
43 planning, design, preconstruction, construction, maintenance, renovation, or repairs of
44 State building projects, including building projects performed by a private entity on a

1 facility to be leased or purchased by the State. The study may include local government
2 units or other public or private entities that receive State funding for a building or utility
3 project, or other State grant funds for such projects performed by a private entity on a
4 facility to be leased or purchased by the local government unit. The study may further
5 examine relevant evidence of the effects of race-based and gender-based discrimination
6 upon the utilization of such business enterprises in contracts for the procurement of
7 materials, supplies, equipment, apparatus, or other goods and services by all State
8 entities. The Director of the Budget is authorized within funds available in any State
9 agency to use up to one million five hundred thousand dollars (\$1,500,000) for the study
10 authorized under this section.

11
12 **PART XXIII. AUTOMOBILE INSURANCE MODERNIZATION STUDY**
13 **COMMISSION** (Rand; S.B. 928 – Garrou)

14
15 **SECTION 28.1.** There is created the Automobile Insurance Modernization
16 Study Commission. The Commission shall consist of 18 members as follows:

- 17 (1) Six members of the House of Representatives appointed by the
18 Speaker of the House.
- 19 (2) Six members of the Senate appointed by the President Pro Tempore of
20 the Senate.
- 21 (3) The Commissioner of Insurance or his designee.
- 22 (4) One representative of the automobile insurance industry, appointed by
23 the Speaker of the House.
- 24 (5) One representative of the automobile insurance industry, appointed by
25 the President Pro Tempore of the Senate.
- 26 (6) The Commissioner of Motor Vehicles or his designee.
- 27 (7) One District Attorney, appointed by the Speaker of the House.
- 28 (8) One trial attorney who regularly handles motor vehicle offenses,
29 appointed by the President Pro Tempore of the Senate.

30 **SECTION 28.2.** The Commission shall study issues related to the method
31 and manner of establishing automobile insurance rates in North Carolina, to ensure
32 consumers are receiving the fullest possible benefit from marketplace competition
33 among insurers on pricing and coverage options.

34 The study shall include, but is not limited to, review of: the insurance
35 regulatory systems in other states; the Safe Driver Incentive Program (SDIP); the N.C.
36 Rate Bureau; the N.C. Reinsurance Facility; insurance points for speeding, other
37 insurance points, drivers license points, improper equipment violations, revocations,
38 prayers for judgment continued; and the information included in drivers' records.

39 The Commission may study the issue of whether continuous financial
40 responsibility should be a requirement for maintaining a valid North Carolina drivers
41 license, as it is required under Article 9A of Chapter 20 of the General Statutes to
42 maintain a valid motor vehicle registration, for the purpose of diminishing the incidents
43 of crashes involving uninsured motorists. If the Commission studies this issue, it shall
44 consider what liability insurance requirements would be appropriate, if any, if a

1 requirement for liability insurance should be limited to individuals applying for or
2 holding provisional licenses pursuant to G.S. 20-11 or for those individuals previously
3 convicted of certain motor vehicle offenses, and the relevant financial responsibility and
4 uninsured-motorist reduction efforts of other states.

5 **SECTION 28.3.** The Speaker of the House of Representatives and the
6 President Pro Tempore of the Senate shall each appoint a cochair for the Commission.
7 The Commission may contract for consultant services as provided by G.S. 120-32.02.

8 Upon approval of the Legislative Services Commission, the Legislative
9 Services Officer shall assign professional and clerical staff to assist in the work of the
10 Commission. Clerical staff shall be furnished to the Commission through the offices of
11 the House of Representatives and Senate Directors of Legislative Assistants. The
12 Commission may meet in the Legislative Building or the Legislative Office Building
13 upon the approval of the Legislative Services Commission. The Commission, while in
14 discharge of official duties, may exercise all the powers provided under the provisions
15 of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers,
16 agents, agencies, and departments of the State to provide any information, data, or
17 documents within their possession, ascertainable from their records, or otherwise
18 available to them, and the power to subpoena witnesses. Members of the Commission
19 shall receive per diem, subsistence, and travel allowances at the rate established in
20 G.S. 120-3.1. The appointing authority shall fill vacancies.

21 **SECTION 28.4.** The Commission may submit an interim report to the 2008
22 Session of the 2007 General Assembly and shall submit a final report, including all
23 recommended legislation, to the 2009 General Assembly and shall terminate upon filing
24 its final report.

25 26 **PART XXIX. JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC** 27 **SCHOOL FUNDING FORMULAS**

28
29 **SECTION 29.1.** There is created the Joint Legislative Study Committee on
30 Public School Funding Formulas. The Committee shall consist of 10 members of the
31 House of Representatives appointed by the Speaker of the House of Representatives
32 and 10 members of the Senate appointed by the President Pro Tempore of the Senate.
33 The Speaker of the House of Representatives shall appoint a cochair, and the President
34 Pro Tempore of the Senate shall appoint a cochair for the Committee.

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

39 Subject to the approval of the Legislative Services Commission, the
40 Committee may meet in the Legislative Building or the Legislative Office Building. The
41 Legislative Services Commission, through the Legislative Services Officer, shall assign
42 professional staff to assist the Committee in its work. The House of Representatives'
43 and the Senate's Directors of Legislative Assistants shall assign clerical support staff to

1 the Committee, and the expenses relating to the clerical employees shall be borne by the
2 Committee.

3 **SECTION 29.2.** The Committee shall perform an extensive study of all
4 public school funding formulas and distributions, including, but not limited to:

- 5 (1) School Capital Fund.
- 6 (2) Lottery School Construction Formula.
- 7 (3) Children with Disabilities.
- 8 (4) Limited English Proficiency.
- 9 (5) At-Risk Student Services/Alternative Schools.
- 10 (6) Improving Student Accountability.
- 11 (7) Disadvantaged Students Supplemental.
- 12 (8) Low-Wealth Counties Supplemental Funding.
- 13 (9) Small County Supplemental Funding.
- 14 (10) Transportation of Pupils.
- 15 (11) Academically or Intellectually Gifted.
- 16 (12) Number of school systems funded per county.

17 **SECTION 29.3.** The Committee shall also study the State Board of
18 Education's model for projecting average daily membership and focus particularly on
19 how well the model projects average daily membership in rapidly growing local school
20 administrative units with a highly mobile population.

21 **SECTION 29.4.** The Committee shall submit a report of its findings and
22 recommendations, including any legislative recommendations, to the 2008 Regular
23 Session of the 2007 General Assembly. The Committee shall terminate upon filing its
24 report.

25 **SECTION 29.5.** From funds available to the General Assembly, the
26 Committee may use up to one million dollars (\$1,000,000) to conduct this study, subject
27 to the approval of the Legislative Services Commission chairs.

28 **SECTION 29.6.** In preparation of the Committee's work, the chairs of the
29 Legislative Services Commission may hire consultants prior to the first meeting of the
30 Committee.

31
32 **PART XXX. CONTINUE THE STUDY OF WATERFRONT ACCESS ISSUES**
33 **(S.B. 646 – Albertson)**

34
35 **SECTION 30.** Section 45.5 of S.L. 2006-248 reads as rewritten:

36 "SECTION 45.5. The Committee may submit an interim report of its study to the
37 Joint Legislative Commission on Seafood and Aquaculture, the Marine Fisheries
38 Commission, and the Coastal Resources Commission no later than January 15, 2007.
39 The Committee shall submit a ~~final~~ report of the results of its study, including any
40 legislative recommendations, to the Joint Legislative Commission on Seafood and
41 Aquaculture, the Marine Fisheries Commission, and the Coastal Resources Commission
42 no later than April 15, 2007. The Committee shall terminate ~~on April 15, 2007, or upon~~
43 ~~the filing of its final report, whichever occurs first.~~ report."
44

1 **PART XXXI. EXTEND THE JOINT LEGISLATIVE GROWTH STRATEGIES**
2 **OVERSIGHT COMMISSION (S.B. 1138 – Clodfelter)**

3
4 **SECTION 31.1.** Section 3.3 of S.L. 2001-491, as amended by Section 3.2 of
5 S.L. 2004-161 and Section 9.2 of S.L. 2006-248, reads as rewritten:

6 "SECTION 3.3. This Part becomes effective January 15, 2002, and expires ~~January~~
7 ~~16, 2007.~~ December 31, 2008. Prior to its ~~expiration on January 16, 2007,~~ expiration,
8 the Committee shall report to the General Assembly on its activities conducted pursuant
9 to this Part."

10 **SECTION 31.2.** This act revives Article 12N of Chapter 120 of the General
11 Statutes.

12 **SECTION 31.3.** G.S. 120-70.120, as revived by this act, reads as rewritten:
13 "**§ 120-70.120. Creation and membership of Joint Legislative Growth Strategies**
14 **Oversight Committee.**

15 The Joint Legislative Growth Strategies Oversight Committee is established. The
16 Committee consists of 12 members as follows:

- 17 (1) Six members of the Senate appointed by the President Pro Tempore of
18 the Senate; and
19 (2) Six members of the House of Representatives appointed by the
20 Speaker of the House of Representatives.

21 ~~Terms on the Committee are for two years and begin on the convening of the~~
22 ~~General Assembly in each odd-numbered year, except the terms of the initial members,~~
23 ~~which begin on appointment and end on the day of the convening of the 2003 General~~
24 ~~Assembly. Terms on the Committee begin on the date members are appointed and~~
25 ~~expire December 31, 2008. Members may complete a term of service on the Committee~~
26 ~~even if they do not seek reelection or are not reelected to the General Assembly, but~~
27 ~~resignation or removal from service in the General Assembly constitutes resignation or~~
28 ~~removal from service on the Committee.~~

29 A member continues to serve until a successor is appointed. A vacancy shall be
30 filled by the officer who made the original appointment."

31 **SECTION 31.4.** The Joint Legislative Growth Strategies Oversight
32 Committee may meet during the legislative session or in the interim.

33
34 **PART XXXII. ESTABLISH THE NORTH CAROLINA STUDY COMMISSION**
35 **ON JUVENILE JUSTICE (Kinnaird)**

36
37 **SECTION 32.** Chapter 120 of the General Statutes is amended by adding a
38 new Article to read:

39 "Article 32.

40 "The North Carolina Study Commission on Juvenile Justice and Delinquency
41 Prevention.

42 **"§ 120-280. Creation and purpose of the North Carolina Study Commission on**
43 **Juvenile Justice and Delinquency Prevention.**

1 There is established the North Carolina Study Commission on Juvenile Justice and
2 Delinquency Prevention to study and evaluate the existing system of juvenile justice
3 and to recommend changes to improve the system to protect the public and meet the
4 needs of undisciplined and delinquent juveniles. This study shall be a continuing one
5 and the evaluation ongoing.

6 **"§ 120-281. Commission duties.**

7 The North Carolina Study Commission on Juvenile Justice and Delinquency
8 Prevention shall:

- 9 (1) Study the needs of juveniles who have been adjudicated undisciplined
10 or delinquent or who are at risk of becoming undisciplined or
11 delinquent, including review of data on the proportion of
12 African-Americans and other racial and ethnic minorities in the
13 juvenile justice system, including the racial and ethnic minorities who
14 are adjudicated and placed in the custody of the Department of
15 Juvenile Justice and Delinquency Prevention. If study of the data finds
16 a disproportionate participation of African-Americans or other racial
17 or ethnic minorities in the juvenile justice system, the Commission
18 shall study, evaluate, and recommend actions to eliminate the
19 disproportionate participation of those minorities in the juvenile justice
20 system. The Commission shall track corrective actions or measures
21 adopted pursuant to recommendation of the Commission.
- 22 (2) Evaluate State and local programs that provide prevention and
23 rehabilitation services to juveniles who have been adjudicated
24 undisciplined or delinquent or who are at risk of becoming
25 undisciplined or delinquent.
- 26 (3) Review the diversion programs within the Department of Juvenile
27 Justice and Delinquency Prevention.
- 28 (4) Evaluate and recommend changes to the education system within the
29 juvenile facilities.
- 30 (5) Review data on juveniles who have been adjudicated delinquent or
31 undisciplined or who are at risk of becoming delinquent or
32 undisciplined, which may be used to facilitate both short- and
33 long-range planning for services for those juveniles, including for the
34 delivery of services.
- 35 (6) Review the use of funds awarded as grants by the State and local
36 Juvenile Crime Prevention Councils.
- 37 (7) Study, evaluate, and recommend changes to the North Carolina
38 General Statutes relating to juvenile justice.
- 39 (8) Study, evaluate, and recommend action regarding reports received by
40 the Commission.
- 41 (9) Study, evaluate, and recommend any changes proposed for future
42 development of the juvenile justice system of the State.
- 43 (10) Study, review, and evaluate any other issue regarding the juvenile
44 justice system of the State.

1 **"§ 120-282. Commission membership; terms; vacancies.**

2 The North Carolina Study Commission on Juvenile Justice and Delinquency
3 Prevention shall consist of 19 members as follows:

4 (1) The Secretary of the Department of Juvenile Justice and Delinquency
5 Prevention or that person's designee shall serve ex officio as a
6 nonvoting member.

7 (2) Nine members appointed by the President Pro Tempore of the Senate
8 as follows:

9 a. Five persons who are members of the Senate at the time of their
10 appointment.

11 b. One chief juvenile court counselor.

12 c. One juvenile defense attorney.

13 d. One representative from the Department of Public Instruction
14 who works with at-risk students.

15 e. One youth counselor employed by the Department of Juvenile
16 Justice and Delinquency Prevention at a youth development
17 center.

18 (3) Nine members appointed by the Speaker of the House of
19 Representatives as follows:

20 a. Five persons who are members of the House of Representatives
21 at the time of their appointment.

22 b. One mental health professional with experience working with
23 juveniles.

24 c. One district attorney or assistant district attorney with
25 experience in juvenile court.

26 d. One district court judge who administers juvenile court.

27 e. One member of a local law enforcement agency.

28 Any vacancy shall be filled by the appointing authority that made the initial
29 appointment. The appointing authority shall fill the vacancy by appointing a person
30 having the same qualifications.

31 Initial appointments to the Commission shall last until January 1, 2009. Subsequent
32 appointments shall be for two-year terms. Members may only serve two consecutive
33 two year terms, in addition to any partial term, but may be reappointed after having
34 been off the Commission for two years.

35 **"§ 120-283. Commission meetings.**

36 The Commission shall have its initial meeting no later than January 31, 2008. The
37 President Pro Tempore of the Senate and the Speaker of the House of Representatives
38 shall each appoint a cochair from the membership of the Commission. The Commission
39 shall meet at least three times each calendar year and may meet at other times upon the
40 call of the cochairs. A majority of the members of the Commission shall constitute a
41 quorum for the transaction of business. The affirmative vote of a majority of the
42 members present at meetings of the Commission shall be necessary for action to be
43 taken by the Commission.

44 **"§ 120-284. Member reimbursement.**

1 The Commission members shall receive no salary as a result of serving on the
2 Commission but shall receive necessary subsistence and travel expenses in accordance
3 with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

4 **"§ 120-285. Public hearings.**

5 The Commission may hold public meetings across the State to solicit public input
6 with respect to issues related to juvenile justice in North Carolina.

7 **"§ 120-286. Assistance from other agencies.**

8 The Commission may obtain information and data from all State officers, agents,
9 agencies, and departments, while in the discharge of its duties, pursuant to the
10 provisions of G.S. 120-19, as if it were a committee of the General Assembly. The
11 Commission may also call witnesses, compel testimony relevant to any matter properly
12 before the Commission, and subpoena records and documents, provided that any patient
13 record shall have patient identifying information removed. The provisions of
14 G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission
15 as if it were a joint committee of the General Assembly. In addition to the other
16 signatures required for the issuance of a subpoena under this section, the subpoena shall
17 also be signed by the cochairs of the Commission. Any cost of providing information to
18 the Commission not covered by G.S. 120-19.3 may be reimbursed by the Commission
19 from funds appropriated to it for its continuing study.

20 **"§ 120-287. Commission subcommittees.**

21 The Commission cochairs may establish subcommittees for the purpose of making
22 special studies pursuant to the Commission's duties and may appoint members who are
23 not members of the Commission to serve on each subcommittee as resource persons.
24 Resource persons shall be voting members of the subcommittee and shall receive
25 subsistence and travel expenses in accordance with G.S. 138-5 and G.S. 138-6, as
26 applicable.

27 **"§ 120-288. Commission reports.**

28 The Commission shall report to the General Assembly and the Governor the results
29 of its study and recommendations. A written report shall be submitted to each biennial
30 session of the General Assembly at its convening.

31 **"§ 120-289. Commission staff and meeting place.**

32 The Commission may contract for clerical or professional staff or for any other
33 services it may require in the course of its ongoing study. At the request of the
34 Commission, the Legislative Services Commission may supply members of the staff of
35 the Legislative Services Office and clerical assistance to the Commission as the
36 Legislative Services Commission considers appropriate.

37 The Commission may, with the approval of the Legislative Services Commission,
38 meet in the State Legislative Building or the Legislative Office Building."

39
40 **PART XXXIII. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY**
41 **EVIDENCE-BASED HEALTH PROMOTION AND DISEASE PREVENTION**
42 **(Queen)**
43

1 **SECTION 33.1.** The North Carolina Institute of Medicine is requested to
2 study evidence-based health promotion and disease prevention interventions that will
3 improve the health of North Carolinians and lower the cost of health care to individuals
4 and the health care system.

5 **SECTION 33.2.** If the study is convened, it should focus on the following
6 topic areas:

7 (1) Preventing/reducing chronic diseases, morbidity, and premature
8 mortality. This would include a focus on reducing risk factors such as
9 obesity and tobacco use, and increasing protective factors such as
10 healthy diets and physical activity. This would also include improving
11 birth outcomes and other efforts to prevent premature morbidity or
12 mortality.

13 (2) Integrating preventive health strategies into primary care. Although
14 North Carolina ranks better than the national average in ensuring that
15 people receive many clinical preventive screenings, more can be done
16 to ensure that preventable conditions are caught early.

17 (3) Preventing/responding to infectious diseases and emerging public
18 health threats. This would include a consideration of strategies such as
19 immunizations and efforts to reduce food-borne diseases. The
20 prevention plan would also help the State prepare for emerging health
21 threats such as influenza pandemic or multidrug resistant tuberculosis.

22 (4) Reducing intentional and unintentional injuries (such as suicides,
23 motor vehicle crashes, falls, occupational injuries, and poisoning).
24 Because injuries are one of the leading causes of death among younger
25 individuals, they result in more years of productive life lost than any
26 other cause of death. Many injuries are preventable and can be reduced
27 as part of a statewide prevention plan.

28 If the study is convened, the North Carolina Institute of Medicine shall
29 provide staff and arrange for meeting facilities.

30 **SECTION 33.3.** If the study is convened, it may meet over the course of two
31 years to develop a prevention plan. The goal of the study would be to examine the four
32 broad topic areas and prioritize strategies across these areas to improve overall
33 population health. In developing the statewide plan, the study should consider different
34 options to improve population health, including promoting healthy lifestyles, changing
35 public and health policies, improving community and environment, and improving
36 preventive clinical care.

37 **SECTION 33.4.** If the study is convened, the Institute of Medicine shall
38 submit an interim report to the 2007 General Assembly, Regular Session 2008, and to
39 the Chairs of the House of Representatives Appropriations Committee, the Senate
40 Appropriations Committee, the Fiscal Research Division, and the Governor. The final
41 report shall be submitted no later than the convening of the 2009 General Assembly.

42 **PART XXXIV. OUT-OF-STATE TRAVEL**

43
44

1 **SECTION 34.** For legislative studies authorized by this act, out-of-state
2 travel must be authorized by the President Pro Tempore of the Senate or the Speaker of
3 the House of Representatives, as appropriate.

4
5 **PART XXXV. BILL AND RESOLUTION REFERENCES**

6
7 **SECTION 35.** The listing of the original bill or resolution in this act is for
8 reference purposes only and shall not be deemed to have incorporated by reference any
9 of the substantive provisions contained in the original bill or resolution.

10
11 **PART XXXVI. EFFECTIVE DATE AND APPLICABILITY**

12
13 **SECTION 36.** Except as otherwise specifically provided, this act is effective
14 when it becomes law. If a study is authorized both in this act and in the Current
15 Operations and Capital Improvements Appropriations Act of 2007, the study shall be
16 implemented in accordance with the Current Operations and Capital Improvements
17 Appropriations Act of 2007 as ratified.