

**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
House Committee Substitute Favorable 8/2/07**

Short Title: 2007 Studies Bill.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

PART I. TITLE

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

PART II. LEGISLATIVE RESEARCH COMMISSION

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

(1) Criminal Law Issues:

- a. Grand Juries (S.B. 1130 – Clodfelter)
- b. Littering (S.B. 1202 – Jacumin)
- c. Expunctions (H.B. 88 – Moore)
- d. Sex offender registration (H.B. 224 – Goforth, Ray)
- e. Prerelease HIV Testing of All DOC Inmates (H. B. 1898 – Farmer-Butterfield, Wright, Womble)
- f. Illegal drug use (H.B. 2005 – Stam, Allred)

(2) State/Local Government Employee Issues:

- 1 a. Expenses and Financing of Parking Decks for State Employees
2 (Rand)
- 3 (3) Health and Human Services Issues:
- 4 a. Store-Based Retail Health Clinics (Forrester)
- 5 b. Regulate Smoking by County Ordinance (S.B. 641 – Clodfelter)
- 6 c. Inherently Dangerous Animals (S.B. 1477 – Jones)
- 7 d. Licensure of Certified Professional Midwives (T. Harrell)
- 8 (4) Other:
- 9 a. Equity Building Workforce Housing (S.B. 1420 – Queen)
- 10 b. Tax Collection Enforcement/Illegal Immigrants (S.B. 988 –
11 Berger of Franklin)
- 12 c. Fair Housing/Prohibit Discrimination Based on Receipt of
13 Housing Assistance (S.B. 334 – Kinnaird)
- 14 d. Adopt International Building Code/Streamline Adoption of
15 Code (S.B. 695, S.B. 949 – Clodfelter)
- 16 e. Supreme Court Rule Making (S.B. 700 – Clodfelter)
- 17 f. Continue Child Support to Age 21/College (S.B. 310 – Kerr)
- 18 g. Homeowners Associations (H.B. 1695 – Ray, Weiss)
- 19 h. Peremptory Challenges for Alternate Jurors in Civil Cases
20 (H.B. 1520 – Faison)

21 **SECTION 2.2.** Reserved.

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

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

33 **SECTION 2.5.** Allow A Person To Require Life-Prolonging Measures
34 (S.B. 1046 – Hartsell) – The Commission may study the issue of whether North
35 Carolina law should be amended to allow a person to require life-prolonging measures.
36 If it undertakes the study, the Commission shall involve all stakeholders in the study. If
37 S.B. 1046 of the 2007 General Assembly becomes law, then this section is repealed.

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

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

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

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

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

1 modification of existing performance indicators would be
2 helpful in achieving management objectives.

3 (8) How the current management and use of prosecutorial resources affect
4 the following:

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

18 (9) Any other issue deemed relevant by the Commission.

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

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

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

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

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

1 **SECTION 2.11.** Protection Of Consumers In Real Estate Transactions – The
2 Commission may study the laws and processes related to the closing of residential real
3 estate transactions in North Carolina and their effect on the protection of consumers in
4 this State. If it undertakes the study, the Commission shall:

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

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

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

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

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

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

1 **SECTION 2.16.** Whitewater Sports Risk/Liability (Snow) – The
2 Commission may study whitewater sports risk, safety, and liability of participants and
3 operators. The purpose of the study is to review the appropriate allocation of
4 responsibility and assumption of risk between whitewater sports participants and
5 whitewater sports outfitters.

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

14 **SECTION 2.18.** Wage Disparity Study (McKissick) – The Commission
15 may study:

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

25 **SECTION 2.19.** Personal Watercraft Liability Insurance (H.B. 134 – Moore,
26 Wray) – The Commission may study the issue of whether owners of personal watercraft
27 as that term is defined in G.S. 75A-13.3 should be required to obtain liability insurance
28 insuring them against loss from liability imposed by law for damages caused by
29 accidents arising out of the operation of the personal watercraft. If the Commission
30 undertakes the study, it shall consider the liability insurance requirements of those who
31 rent personal watercraft, as set forth in G.S. 75A-13.3, the number and types of boating
32 accidents in the State every year, the number of persons who own personal watercraft in
33 the State, and the relevant insurance and boating safety laws of other states.

34 **SECTION 2.20.** Governmental Immunity (H.B. 354 – Glazier) – The
35 Commission may study the subject of governmental immunity. As part of this study,
36 the Commission may review all governmental immunity doctrines available to State and
37 local governments, including sovereign immunity, public official immunity, and public
38 officer immunity and shall consider whether these doctrines are being appropriately and
39 consistently applied and whether these doctrines should continue in effect, be modified,
40 or be abrogated.

41 **SECTION 2.21.** Child Care (H.B. 675 – Weiss, Goodwin, T. Harrell,
42 Alexander) – The Commission may study the definition of child care as defined in
43 G.S. 110-86 and the potential need to regulate after-school programs and other child
44 care arrangements excluded under G.S. 110-86. In conducting the study, the

1 Commission shall consider whether the definition of child care shall include
2 after-school programs and other child care arrangements excluded under G.S. 110-86.

3 **SECTION 2.22.** Disparity In Awarding State Contracts To Minority
4 Businesses (H.B. 1337 – Jones) – The Commission may study the extent to which
5 minority businesses are granted construction contracts, professional and nonprofessional
6 service contracts, and purchase contracts (apparatus, supplies, materials, or equipment)
7 with the State and ways in which the number of construction, professional and
8 nonprofessional service, and purchase contracts granted to minority businesses can be
9 increased. The Commission may propose legislation, if appropriate, to narrow the gap
10 between construction, professional and nonprofessional service, and purchase contracts
11 awarded to majority businesses and construction, professional and nonprofessional
12 service, and purchase contracts awarded to minority businesses.

13 **SECTION 2.23.** Requiring Food Establishments To Post Information About
14 Certain Food Allergies (H.B. 1377 – Alexander) – The Commission may study
15 requiring the posting of a consumer advisory in establishments that prepare or serve
16 food containing common food allergens or food additives. In conducting the study, the
17 Commission may consider actions proposed or taken by other states and at the federal
18 level to increase consumer safety and food allergy awareness. The Commission may
19 also study other issues it considers relevant to the study.

20 **SECTION 2.24.** Child Care Subsidy Rates Formula (H.B. 1427 – Fisher) –
21 The Commission may study the formula by which market rates are determined for
22 county child care subsidies.

23 **SECTION 2.25.** Environmental Review, Permitting, And Mitigation Process
24 Used In The Construction Or Expansion Of State Highways (H.B. 1542 – Dollar, Cole)
25 – The Commission may study all issues relating to the environmental review,
26 permitting, and mitigation process used in the construction or expansion of State
27 highways. The Commission may review the costs of the current lengthy environmental
28 review process developed under Article 1 of Chapter 113A of the General Statutes and
29 other environmental laws and rules, including, but not limited to, time, air quality,
30 safety, the cost of delayed construction, and cost to the motoring public. The
31 Commission shall address the internal environmental review process of the Department
32 of Transportation, the Department of Environment and Natural Resources, and any
33 other State department or agency involved in the environmental oversight or review of
34 the construction or expansion of State highways.

35 **SECTION 2.26.** Ways To Encourage Businesses To Establish Automatic
36 401(k) Programs (H.B. 1664 – Weiss) – The Commission may study ways to encourage
37 businesses to establish automatic 401(k) programs. The Commission may study
38 requiring businesses that receive economic development incentives to offer automatic
39 401(k) programs or providing incentives to businesses that do establish these programs.
40 The Commission may also suggest other means for encouraging automatic 401(k)
41 programs.

42 **SECTION 2.27.** Prevention, Control, And Reduction Of Litter (H.B. 1673 –
43 Allen, Carney, Underhill) – The Commission may study the prevention, control, and

1 reduction of litter in North Carolina. In its study, the Commission may consider all of
2 the following:

- 3 (1) The effectiveness and cost of current laws aimed at preventing,
4 controlling, or reducing litter.
- 5 (2) The effectiveness and cost of current nonprofit programs aimed at
6 preventing, controlling, or reducing litter.
- 7 (3) What types of waste constitute roadside litter, whether any type has the
8 potential of being recycled, and whether any type has value as a
9 recyclable material.
- 10 (4) What incentives could be created to prevent, control, or reduce litter.
- 11 (5) What measures, programs, or laws in other states have been successful
12 in preventing, controlling, or reducing litter.
- 13 (6) Whether states with bottle bills (legislation that requires consumers to
14 pay a redeemable deposit on certain beverage containers) have greater
15 success in preventing, controlling, or reducing litter than those states
16 that do not have bottle bills, and, if so, whether the success is
17 attributable to the legislation.
- 18 (7) The cost of roadside litter cleanup to North Carolina citizens each year
19 and whether this cost has risen within the last 10 years.
- 20 (8) Any other issues the Commission considers relevant to this topic.

21 **SECTION 2.28.** Study Littering And The Enforcement Issues Regarding
22 That Offense (H.B. 1678 – Cole) – The Commission may study littering, the
23 enforcement issues regarding that offense, and ways to make antilitter laws and efforts
24 more effective. In its study, the Commission may consider the current law regarding
25 littering, including civil remedies and penalties as well as criminal penalties for littering
26 offenses, the detrimental effect that littering has on the State's tourism industry, and the
27 costs to the State for cleaning up litter. The Commission may consider successful
28 anti-litter campaigns and strategies used by other states and any other issues that it
29 deems relevant to the study.

30 **SECTION 2.29.** Reserved

31 **SECTION 2.30.** Personal Safety Risks And Other Safety Issues Confronted
32 By Cab Drivers And Others Engaged In The Business Of Transporting Passengers In
33 Motor Vehicles For Hire (H.B. 1801 – Alexander) – The Commission may study
34 personal safety risks and other safety issues confronted by cab drivers and others
35 engaged in the business of transporting passengers in motor vehicles for hire. In its
36 study the Commission shall focus particularly on the dangers and risks to personal
37 safety that are encountered by cab drivers, the current regulations and procedures, if
38 any, that are currently in place to help protect cab drivers and others against those risks,
39 and whether those regulations and procedures are effective and provide appropriate
40 protection. The Commission may also study any other issues that it considers relevant
41 to the study.

42 **SECTION 2.31.** Need For Notaries Public To Seek Assistance In
43 Understanding Unfamiliar Or Non-English Forms Of Identification (H.B. 1934 –
44 McComas) – The Commission is authorized to study the need for notaries public to seek

1 assistance, including using an interpreter, in understanding unfamiliar or non-English
2 forms of identification before denying the validity of the identification.

3 **SECTION 2.32.** State Capital Needs (H.B. 2045 – Luebke, Gibson,
4 Wainwright, Weiss) – The Commission may study the manner in which the State
5 provides for its capital needs. In its study, the Commission may consider all of the
6 following:

- 7 (1) A system for establishing priorities among the State's capital needs.
- 8 (2) Methods for providing adequate funding for the State's capital needs.
9 This study may include the recommendation of specific revenue
10 sources. Revenue sources may include General Fund tax revenue, tax
11 revenue dedicated to the Capital and Infrastructure Fund, and nontax
12 revenue.
- 13 (3) Any other item the Commission deems relevant.

14 **SECTION 2.33.** Reclassification of Misdemeanors. (H.B. 2055 – Stam) –
15 The Commission may study the reclassification of misdemeanors. In its study the
16 Commission may consider the recommendations made by the North Carolina
17 Sentencing and Policy Advisory Commission in the report it submitted to the 2006
18 Session of the North Carolina General Assembly. One of the issues the Commission
19 may address in its study is whether to separate the offense of battery from the offense of
20 assault. The Commission may also study any other issues that it considers relevant to
21 the study.

22 **SECTION 2.34.** Impact of Undocumented Immigrants (Glazier, Neumann)
23 – The Commission may study the effects of undocumented immigrants on the State. The
24 Commission may consider the following issues:

- 25 (1) Impacts on the State's health care, education, and social services
26 systems.
- 27 (2) Impacts on the criminal justice system and corrections.
- 28 (3) Impacts on the State's economy, including the fiscal ramifications of
29 compliance with federal laws requiring the provision of specific
30 services to undocumented immigrants.
- 31 (4) Impacts on the State's economy and workforce development, including
32 the provision of and the need for low-cost labor for agriculture,
33 construction, tourism, and other industries.
- 34 (5) Any other relevant issues.

35 **SECTION 2.35.** Reserved

36 **SECTION 2.36.** Adult Adoptees' Access To Their Original Birth
37 Certificates. (H.B. 2060 – Dickson) – The Commission may study issues relating to
38 adult adoptees having access to their original birth certificates. In its study, the
39 Commission may consider all of the following:

- 40 (1) The laws of states that allow an adult adoptee access to the adoptee's
41 original birth certificate.
- 42 (2) The impact of contact preference forms in the states that allow adult
43 adoptees to access their original birth certificates.

- 1 (3) The actual number of sealed adoption records in North Carolina and
2 the anticipated number of original birth certificates that would be
3 requested if North Carolina provided access to original birth
4 certificates.
- 5 (4) Legal challenges in other states relating to confidentiality issues with
6 respect to adoption.
- 7 (5) The history of the sealed adoption records in North Carolina.
- 8 (6) Abortion and adoption rate comparisons in states with access to
9 original birth certificates.
- 10 (7) Whether an adult adoptee should be 21 years of age to access his or
11 her original birth certificate.
- 12 (8) Whether the term "just cause" needs to be defined with respect to
13 persons needing to petition the court system.
- 14 (9) Whether siblings should be allowed in the confidential intermediary
15 process.
- 16 (10) Whether other family members should be allowed to act with the
17 confidential intermediary if the birthmother is deceased.
- 18 (11) Access to the birth information by persons adopted prior to the legal
19 sealing of adoption records.
- 20 (12) Any other issues the Commission considers relevant to this topic.

21 **SECTION 2.37.** Licensing of General Contractors (Ray) – The Commission
22 may study issues related to the licensing of general contractors pursuant to Chapter 87
23 of the General Statutes. As a part of its study, the Commission may:

- 24 (1) Investigate the nature and number of complaints being lodged against
25 residential contractors by home buyers.
- 26 (2) Study the limitations of the State Licensing Board for General
27 contractors to adequately address consumer complaints.
- 28 (3) Investigate the problem of unlicensed contractors and what additional
29 authority the State Licensing Board for General Contractors may need
30 to adequately address this problem.
- 31 (4) Determine whether additional construction trades, if any, should be
32 subject to licensure.
- 33 (5) Evaluate the role and responsibilities of local building inspectors in the
34 home building process.
- 35 (6) Review and evaluate the efforts in other states to license general
36 contractors.

37 **SECTION 2.38.** Superior Court Judge Elections (H.B. 1454 – Wainwright)
38 – The Commission may study issues related to separate election of District Court
39 Judges.

40 **SECTION 2.39.** Fire Ants (Lewis) – The Commission may study issues
41 relating to the impact, control, and eradication of fire ants in North Carolina. In its
42 study, the Commission may consider the following:

- 43 (1) The origin of fire ants, their entry into and spread through the State.

- 1 (2) The economic impact of fire ants on agriculture, recreation, tourism
2 and other activities.
- 3 (3) The impact of fire ants on human and animal health and on the
4 environment.
- 5 (4) Methods to control or eradicate fire ants on both private and State
6 property and costs of such measures.
- 7 (5) State regulatory efforts to control the spread of fire ants.
- 8 (6) Ongoing research on fire ants at North Carolina State University, the
9 Department of Agriculture and Consumer Services and other
10 institutions in the State.
- 11 (7) Efforts in other states and by the federal government to control and
12 eradicate fire ants.
- 13 (8) The use of income tax credits as an incentive for fire ant control and
14 eradication.
- 15 (9) Any other issues that the Commission deems relevant to the topic.

16 **SECTION 2.40.** Work and Family Life Balance (H.B. 1711 – Adams, Ross)

17 – The Commission may study issues related to work and family life balance, including
18 issues related to paid sick days.

19 **SECTION 2.41.** Reserved.

20 **SECTION 2.42.** Election Law Issues (Underhill, Goodwin) – The

21 Commission may study election law issues, including instant runoff voting, the
22 procedure to challenge the qualifications of persons appointed to elective office,
23 minimum qualifications for boards of elections, and moving county boards of elections
24 under the direct supervision of the State Board of Elections.

25 **SECTION 2.43.** Reserved

26 **SECTION 2.44.** Equalization of Insurance Co-Payments (Gibson) – The

27 Commission may study the issue of whether health insurers should be allowed to charge
28 co-payment amounts for the services of non-medical health care providers that are
29 higher than the co-payment amounts charged for the services of a primary care medical
30 physician for comparable treatments of conditions.

31 **SECTION 2.46.** Local Social Services Offices (Glazier) – The Commission

32 may study issues related to the efficiency and effectiveness of State funding for local
33 social services offices.

34 **SECTION 2.47.** North Carolina Criminal Justice Education and Training

35 Standards Commission (Glazier) – The Commission may study issues related to the
36 composition of the North Carolina Criminal Justice Education and Training Standards
37 Commission, procedural rules for consideration of cases before the Commission, and
38 definition of standards of conduct considered by the Commission.

39 **SECTION 2.48.** Hate Crimes (H.B. 1631 – Harrison, Insko, Fisher, Jones) –

40 The Commission may study issues related to expanding the scope of the current ethnic
41 intimidation law to include gender, age, sexual orientation, or disability, and increasing
42 the criminal penalties for committing an act of ethnic intimidation.

43 **SECTION 2.50.** Capital Punishment (Harrison) – The Commission may

44 study issues related to capital punishment.

1 **SECTION 2.51.** Executing the Mentally Ill (S.B. 1075 – Kinnaird; Harrison)
2 – The Commission may study issues related to executing the mentally ill.

3 **SECTION 2.52.** Felony Murder Rule (Harrison) – The Commission may
4 study issues related to the felony murder rule.

5 **SECTION 2.53.** Local DSS Services (Glazier) – The Commission may
6 study ways to assure that local departments of social services have the resources
7 necessary to fulfill their role in emergency management situations such as operating
8 public shelters during hurricanes.

9 **SECTION 2.54.** Educational Assistance for Minimum Wage Workers (H.B.
10 1550 – Blackwood, Wilkins, Johnson, Pierce, Holliman) – The Commission may study
11 educational assistance to minimum wage workers.

12 **SECTION 2.55.** Child Support Enforcement (Blust, Goodwin) – The
13 Commission may study issues related to improving child support enforcement in the
14 State.

15 **SECTION 2.56.** For each Legislative Research Commission committee
16 created during the 2007-2009 biennium, the cochairs of the Legislative Research
17 Commission shall appoint the committee membership.

18 **SECTION 2.57.** For each of the topics the Legislative Research
19 Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the
20 Commission may report its findings, together with any recommended legislation, to the
21 2008 Regular Session of the 2007 General Assembly upon its convening.

22 **SECTION 2.58.** From the funds available to the General Assembly, the
23 Legislative Services Commission may allocate additional monies to fund the work of
24 the Legislative Research Commission.

25 26 **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT** 27 **COMMITTEE STUDIES**

28
29 **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee 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 3.2.** Feasibility And Desirability Of Requiring Carbon Monoxide
34 Detectors In Homes Or Any Public Buildings (Purcell) – The Committee may study the
35 feasibility and desirability of requiring detectors in homes or any public buildings to
36 detect carbon monoxide, the colorless, odorless gas that is produced when any fuel is
37 incompletely burned, before the carbon monoxide builds up to a dangerous level, when
38 it can cause illness or death. If it undertakes the study, the Committee may consider all
39 of the following:

- 40 (1) The current level of risk people face from carbon monoxide poisoning.
- 41 (2) The most common sources of carbon monoxide poisoning within the
42 home or a public building.
- 43 (3) The risk that people face from long-term exposure to low levels of
44 carbon monoxide.

1 (4) Whether the current technology of carbon monoxide detectors is
2 capable of detecting risks presented by carbon monoxide from high to
3 low levels of exposure.

4 (5) Whether homes, apartments, or any public buildings should be
5 required to install carbon monoxide detectors and, if so, what locations
6 within the home, apartment, or any public building should these
7 detectors be installed to give the greatest protection.

8 (6) Any other issues the Committee considers relevant to this topic.

9 **SECTION 3.3.** Signatures on DNR Forms (S.B. 685 – Kinnaird; Insko) –

10 The Committee may study the effect of requiring a written and signed concurrence by
11 the patient's guardian or representative on a physician's order form specifying
12 withholding or discontinuing extraordinary means or artificial nutrition or hydration
13 pursuant to G.S. 90-322(b). If the Committee undertakes the study, it shall examine the
14 anticipated effect that amending G.S. 90-322(b) to add this requirement to the current
15 process would have on the provision, withholding, or discontinuation of care involving
16 extraordinary means or artificial nutrition or hydration to patients. Issues that may be
17 addressed by the Committee in its study include current practices relating to issuance of
18 "Do Not Resuscitate" (DNR) orders in other states, the addition of patient guardian or
19 representative signatures to a physician's order form, and anticipated increases or
20 reductions in the provision, discontinuation, or withholding of each of the types of care
21 affected by "DNR" orders.

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

25 **SECTION 3.4.** Achieve Goals/Electronic Prescribing (Queen) – The

26 Committee may conduct a study to determine the ability of the public and private health
27 care system in North Carolina to achieve by 2010 the goals established by the North
28 Carolina Institute of Medicine's (IOM) Committee on Medication Errors with respect to
29 electronic prescribing. If it conducts the study, the Department shall identify:

30 (1) The State's ability to fulfill the IOM goals.

31 (2) The barriers to implementation of the IOM goals.

32 (3) What actions need to be taken to facilitate implementation of the IOM
33 goals. This includes a determination of legislation, rules, and payment
34 policies necessary to facilitate implementation of the IOM goals.

35 **SECTION 3.5.** Medicaid Managed Care Organizations – The Committee

36 may study the desirability and feasibility of establishing a program to offer Medicaid
37 services through managed care organizations, including the costs associated with such a
38 program and its potential to provide greater efficiency in the Medicaid program and
39 enhanced access to services.

40 **SECTION 3.6.** Dental Health Care (Current) – The Committee may study

41 dental health care and education needs of the State.

42 **SECTION 3.7.** Medical Errors (S.B. 64 – Forrester;H.B. 136 – Coleman,

43 Faison) – The Committee may study the incidence and causes of medical errors
44 occurring in hospitals, pharmacies, and other health care settings in this State. In

1 conducting the study, the Committee may consider actions proposed or taken by other
2 states and at the federal level to reduce medical errors, including mandatory and
3 voluntary medical error reporting requirements.

4 **SECTION 3.8.** Health Care System (H.B. 1897 – Insko) – The Committee
5 may conduct a comprehensive review of the current health care system in North
6 Carolina and make recommendations to the General Assembly on moving from a
7 fragmented system to an integrated system of public and private health care services
8 such that all North Carolinians have access to appropriate health care on a regular basis.
9

10 **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT** 11 **COMMITTEE STUDIES**

12
13 **SECTION 4.1.** The Joint Legislative Transportation Oversight Committee
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 4.2.** Red Light Camera Revenue (Rand) – The Committee may
18 study the issue of distribution of revenue from red light cameras.

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

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

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

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

42 **SECTION 4.6.** Local Government Financing of Transportation Projects
43 (Hoyle) – The Commission may study issues related to local government financing of
44 transportation projects, including use of Powell Bill funds, local authority to construct

1 transportation projects, and local government financing options for transportation
2 projects.

3 **SECTION 4.7.** Transportation Of Individuals Seated In Wheelchairs (S.B.
4 57 – Bingham; H.B. 93 – Weiss, Earle, England) – The Committee may study issues
5 related to the vehicular transportation of individuals seated in wheelchairs. If the
6 Committee undertakes the study, it shall include reviewing appropriate methods of
7 transporting passengers who remain seated in wheelchairs while in motor vehicles and
8 developing guidelines for the installation and use of wheelchair tie-down systems.

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

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

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

33 **SECTION 4.11.** Small Engine Off-road Vehicle Restrictions (H.B. 1575 –
34 Allred) – The Committee may study issues related to use of small engine off road
35 vehicles in racing or racing practice events.

36 **SECTION 4.12.** Intersection Safety – (H.B. 1547 –Gulley, Tillis, Allred,
37 Jones) – The Committee may study issues related to intersection safety, including
38 allowing left turns on red at intersections where each street is a one way street. If the
39 Committee undertakes the study of issues related to allowing left turns on red at
40 intersections where each street is a one way street, the Committee shall study all issues
41 related to pedestrian traffic, visually impaired pedestrian traffic, pedestrian traffic
42 control devices, traffic control signals, traffic flow increase, reduced idle time, reduced
43 emissions, environmental impact, and the risk of injury and property damage resulting
44 from crashes at locations where left turn on red intersections would exist. The

1 Committee shall also review intersection safety for persons with visual and other
2 disabilities.

3 **SECTION 4.13.** Auto Insurance Rate Evasion (H.B. 729 – Goforth,
4 Holliman) – The Committee may study the issues related to automobile insurance rate
5 evasion.

6 **SECTION 4.14.** Drivers Licenses Online Or By United States Mail. (H.B.
7 1510 – Moore) – The Committee may study issues related to the issuance of drivers
8 licenses through an online service or by United States mail. If the Committee undertakes
9 the study of issues related to the issuance of drivers licenses through online services or
10 by United States mail, the Committee shall study all issues related to the risks of
11 wrongful issuance, the costs or cost savings associated with these types of issuance, and
12 any conflicts with federal law and make any recommendations necessary based on the
13 Committee's findings.

14 **SECTION 4.15.** Acquisition of Property Under The Transportation Corridor
15 Official Map Act (H.B. 1511 – Moore) – The Committee may study the issue of
16 acquisition of property subject to the provisions of the Transportation Corridor Official
17 Map Act.

18 **SECTION 4.16.** Sources of Steel and Iron for Non-Federally Funded
19 Transportation Projects (H.B. 1548 – Cole) – The Committee may study the sources of
20 steel and iron used in non-federally funded transportation projects around the State.

21 **SECTION 4.17.** Use And Liability Of Mopeds And Golf Carts On The
22 Public Roads, Highways, And Public Vehicular Areas (H.B. 1603 – Clary, McComas,
23 Moore) – The Committee may study issues related to mopeds, as defined in
24 G.S. 105-164.3, and golf carts. If the Committee undertakes the study, the Committee
25 shall study all issues related to the use of mopeds and golf carts on the public roads,
26 highways, and public vehicular areas and to the risks and liabilities associated with the
27 use of mopeds and golf carts and shall review statistics related to crashes caused by
28 mopeds and golf carts, including bodily injury to or death of persons and injury to or
29 destruction of property. The Committee shall determine whether the State should
30 require owners of mopeds and golf carts to maintain liability insurance on, or some
31 other form of financial responsibility for, mopeds and golf carts. In developing its
32 recommendations, the Committee shall review Articles 9 and 13A of Chapter 20 of the
33 General Statutes and shall determine whether those Articles should be applicable to
34 mopeds and golf carts as if they were motor vehicles. The Committee shall also make
35 recommendations regarding whether mopeds and golf carts should be registered with
36 the Division of Motor Vehicles, including the amount of the registration fee, if any, and
37 all procedures related to the registration.

38 **SECTION 4.18.** Licensing Of Older Drivers (H.B. 1606 – Killian) – The
39 Committee may study issues related to licensing of older drivers. If the Committee
40 undertakes the study of issues related to the licensing of older drivers, the Committee
41 shall study all of the following:

- 42 (1) The need for shorter renewal periods as a driver's age increases.
- 43 (2) The need for more frequent testing of older drivers and the types of
44 testing that should be required.

- 1 (3) The safety of the driving public, as well as the safety and well-being of
2 older drivers.
- 3 (4) What other states' renewal periods and testing requirements are for
4 older drivers.
- 5 (5) Any available studies or data relating to the effects of aging on a
6 person's ability to drive and relating to accident rates for older drivers.
- 7 (6) Any costs associated with changing the requirements for older drivers.
- 8 (7) Any other matter relating to licensing of older drivers that the
9 Committee deems relevant.

10
11 **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**
12 **STUDIES**

13
14 **SECTION 5.1.** The Joint Legislative Education Oversight Committee may
15 study the topics listed in this Part and report its findings, together with any
16 recommended legislation, to the 2008 Regular Session of the 2007 General Assembly
17 upon its convening.

18 **SECTION 5.2.** Future-Ready Core High School Graduation Requirements
19 Adopted By The State Board Of Education (S.B. 1532 – Bingham) – The Committee
20 may study the Future-Ready Core High School Graduation Requirements (Core Course
21 of Study) adopted by the State Board of Education. If it undertakes the study, the
22 Committee shall consider the purposes and goals of the Core Course of Study and any
23 unintended consequences that may arise as a result of the implementation of the Core
24 Course of Study.

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

28 **SECTION 5.4.** Reserved

29 **SECTION 5.5.** Calculation of Dropout Rate (S.B. 1110 – Preston) – The
30 Committee may study the calculation of the dropout rate annually reported by the State
31 Board of Education to determine any changes that are needed to the definition of a
32 dropout and any changes in data collection to ensure accuracy in reporting the dropout
33 rate. If it undertakes the study, the Committee shall consider not including students as
34 dropouts who have transferred to a community college, college, or university before
35 high school graduation and the community college, college, or university confirms
36 attendance and satisfactory progress towards a high school diploma or its equivalent.
37 The Committee shall consider including students as dropouts who have been expelled
38 from school and have not returned to any school.

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

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

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

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

- 17 (1) Require additional oversight to ensure that professional development
18 offered at the local level for teacher licensure renewal credit is
19 consistent with State Board of Education policy.
- 20 (2) Develop more structured standards for professional development
21 offered to teachers.

22 **SECTION 5.9.** Financial Incentives For Students (S.B. 1405 – Hartsell) –
23 The Committee may study the desirability and feasibility of providing financial
24 incentives to public school students in North Carolina in grades 1 through 12 for
25 students meeting academic, disciplinary, attendance, character, and parental
26 involvement goals.

27 **SECTION 5.10.** Public School Governance (S.B. 1462 – Dorsett) – The
28 Committee may study issues related to public school governance and consider the
29 advisability of more closely aligning the governance system of K-12 with that of The
30 University of North Carolina and the Community College System. Specifically, the
31 Committee may assess the current system of appointing members to the State Board of
32 Education, the length of terms for members of the State Board of Education, and the
33 current system of having both a State Superintendent of Public Instruction elected by
34 the people but infused with virtually no authority and an appointed Deputy State
35 Superintendent appointed by and reporting to the State Board of Education and infused
36 with day-to-day authority over the Department of Public Instruction.

37 **SECTION 5.11.** Strategies For Recovering Costs Due To Damaged Or Lost
38 Textbooks (H.B. 232 – Lucas) – The Committee may study strategies for recovering
39 costs due to damaged and lost textbooks. In the course of the study, the Committee
40 shall consider the scope of the problem and strategies for recouping the replacement
41 costs.

42 **SECTION 5.12.** High School Block Schedules (H.B. 1440 – Parmon,
43 Cotham, Lucas, Wiley) – The Committee may conduct a comprehensive study of the

1 impact of high school block schedules on teacher-student interaction time, optimum
2 opportunities for student learning, and increasing student achievement.

3 **SECTION 5.13.** Dismissal, Demotion, Or Suspension Without Pay Of
4 Noncertified School Employees (H.B. 1827 – Harrison, Jeffus, Womble) – The
5 Committee may study the legal and policy issues regarding the dismissal, demotion, or
6 suspension without pay of noncertified school employees and their current employment
7 status as at-will employees. The Committee may consider whether noncertified
8 employees should only be dismissed, demoted, or suspended without pay for just cause.

9 **SECTION 5.14.** Science Education In Grades K-Eight (H.B. 1924 –
10 McLawhorn, E. Warren, Owens, Carney) – The Committee may:

- 11 (1) Study the research on inquiry-based learning and the benefits of hands
12 on learning in the classroom, including the use of inquiry to improve
13 student understanding of science concepts and their connections to
14 reading, writing, and math.
- 15 (2) Investigate the criteria for awarding National Science Foundation
16 grants for education and research-based science materials (science kits
17 or modules) developed to improve science learning through
18 inquiry-based instruction.
- 19 (3) Study how the National Science Foundation research-based science
20 materials meet the North Carolina educational standards in science.
- 21 (4) Consider the need to define a science kit as a research-based, National
22 Science Foundation supported science materials unit to ensure that
23 North Carolina's budget funds are being invested in research-based
24 materials.
- 25 (5) Identify internal and external resources available to maximize the
26 benefits and utilization of science kits in North Carolina public
27 schools.
- 28 (6) Study the importance of professional development for teachers using
29 science kits and the quality of professional development offered
30 through internal and external resources such as the Department of
31 Instruction (internal), NC-ISE (external), Teachers and Scientists
32 Collaborating – TASC (external).
- 33 (7) Study the funding provided for low-wealth and underperforming
34 schools in the use of National Science Foundation supported science
35 kits.
- 36 (8) Study any other matters that the Committee deems relevant.

37 **SECTION 5.15.** Administration and Supervision of School Nurses (H.B.
38 723 – England, Alexander, Faison) – The Commission may study the administration and
39 supervision of school nurses in North Carolina's public schools, and may also review
40 State and local funding of school nurses.

41 **SECTION 5.16.** Reserved.

42 **SECTION 5.17.** Hearing Screening Programs (Glazier) – The Committee
43 may study the current status and of hearing screening programs in the public schools.
44 The study may include a review of the current policy and procedures covering the

1 program, the effectiveness of the program and any changes in policy and procedure that
2 will make the access to hearing screening services more available to more children
3 statewide. The Committee may study the State and LEA responsibility for implementing
4 the service, funding for the service, the role of the Division of Exceptional Children in
5 identifying children with hearing loss, and whether additional funding is needed to
6 increase access and availability of the service to school children Statewide.

7 8 **PART VI. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE STUDIES**

9
10 **SECTION 6.1.** The Joint Legislative Utility Review Committee may study
11 the topics listed in this Part and report its findings, together with any recommended
12 legislation, to the 2008 Regular Session of the 2007 General Assembly upon its
13 convening.

14 **SECTION 6.2.** Emergency Preparedness Plans Of The Public Utilities And
15 Other Electricity Suppliers In The State (S.B. 1151 – Hoyle) – The Committee may
16 study the emergency preparedness plans maintained by the public utilities and other
17 suppliers of electricity in the State in order to determine the adequacy of those plans to
18 meet the needs of the people of the State, the various emergency and other services that
19 may need to operate in the event of an emergency in the State, and the numerous
20 contingencies that may unexpectedly arise in an emergency. If it undertakes this study,
21 the Committee shall consider:

- 22 (1) The adequacy of those plans to meet emergency needs of the residents
23 and businesses of the State.
- 24 (2) The ability of those plans to meet the needs of the various services that
25 must operate in an emergency including police, fire, and emergency
26 medical services, rescue services, hospitals, government services, and
27 any other services that may become necessary.
- 28 (3) The extent to which those plans coordinate the activities of the public
29 utilities and other suppliers of electricity to provide as seamless a
30 delivery of their services as is possible under varying circumstances.
- 31 (4) The integration of the Department of Administration and the
32 Department of Crime Control and Public Safety in those emergency
33 preparedness plans.
- 34 (5) Such other matters as the Committee deems relevant to this study.

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

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

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

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

17 **SECTION 6.4.** Adequacy Of The Service Charge For Prepaid Wireless
18 Service And The Manner In Which The Service Charge Is Collected And Remitted To
19 The Wireless 911 Board (S.B. 1400 – Dannelly; H.B. 1681 – Jones) – The Committee
20 may study the adequacy of the service charge for prepaid wireless service and the
21 manner in which the service charge is collected and remitted to the Wireless 911 Board.
22 The Committee may propose legislation, if appropriate, to change the service charge for
23 prepaid wireless service and to alter the manner in which the service charge is collected
24 and remitted.

25 26 **PART VII. REVENUE LAWS STUDY COMMITTEE STUDIES**

27
28 **SECTION 7.1.** The Revenue Laws Study Committee may study the topics
29 listed in this Part and report its findings, together with any recommended legislation, to
30 the 2008 Regular Session of the 2007 General Assembly upon its convening.

31 **SECTION 7.2.** Method for Distributing the Franchise Tax on Electric Power
32 Companies (S.B. 1158 – Hoyle) – The Committee may study and recommend a method
33 of distributing electric power company franchise tax revenue to municipalities on the
34 basis of a formula that uses factors such as population and percentage share of prior
35 distributions rather than service inside constantly changing city boundaries. The
36 Committee must consult with the League of Municipalities and the Department of
37 Revenue in developing a recommendation.

38 **SECTION 7.3.** Issues Related To Converting The Starting Point For
39 Determining State Taxable Income From Federal Taxable Income To Federal Adjusted
40 Gross Income (S.B. 1547 – Hoyle; H.B. 1567 – Carney, Barnhart) – The Committee
41 may study issues related to converting the starting point for determining State taxable
42 income from federal taxable income to federal adjusted gross income. If the Committee
43 undertakes the study, it shall include all of the following:

1 (1) A review of the current deductions and additions to federal taxable
2 income used in determining State taxable income to identify which of
3 these deductions or additions are required by federal law or other State
4 law.

5 (2) A review of the current individual income tax credits to determine the
6 extent to which the tax rates set out in G.S. 105-134.2 would need to
7 be adjusted in order to maintain the current revenue stream if the
8 credits were retained.

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

10 **SECTION 7.4.** New Market Tax Credit (S.B. 1160 – Hoyle; H.B. 1922-
11 J. Harrell, Wainwright, Holliman) – The Committee may study a State new market tax
12 credit to complement the federal tax credit.

13 **SECTION 7.5.** Earned Income Tax Credit – The Committee may study
14 earned income tax credit participation rates in North Carolina and other states.

15 **SECTION 7.6.** Local Occupancy Taxes (S.B. 1150 – Hoyle; H.B. 1845 –
16 Clary, Current, Neumann) – The Committee may study the nature and scope of local
17 occupancy tax laws, the degree of uniformity among those laws, whether occupancy tax
18 laws are effective in promoting travel and tourism, and whether any features of the
19 occupancy tax should be modified. The study shall include a review of various features
20 of the occupancy tax laws in light of the need for the revenue generated by the
21 occupancy tax and the uses for which it is needed. The study may include consideration
22 of the following issues pertaining to occupancy tax:

23 (1) For what purposes the revenue generated is actually being used and
24 whether the use conforms to the purposes stated in the various local
25 acts.

26 (2) The variation among taxing units with regard to the amount of tax
27 authorized to be levied.

28 (3) The effectiveness of the guidelines for occupancy tax legislation
29 adhered to by the House Finance Committee.

30 (4) Whether the rate should be capped, and if so, whether that cap should
31 be codified.

32 (5) Whether the authorized use of the revenue generated should be
33 restricted to certain purposes and whether the existing purposes should
34 be modified in any way.

35 (6) Whether the distribution formula established by the guidelines is an
36 effective use of the proceeds, whether it provides local governments
37 with the best return on their expenditure of funds, and whether the
38 formula should be modified.

39 (7) Whether there should be guidelines or legislation addressing refunds of
40 occupancy tax.

41 (8) The effectiveness of tourism development authorities in administering
42 occupancy tax proceeds and whether there should be any statutory
43 guidance with regard to the composition, duties, appointment,
44 removal, or other aspects of tourism development authorities.

1 (9) How the combined occupancy and sales tax rates in North Carolina
2 compare with rates in other states that have a comparably ranked
3 tourism industry.

4 (10) The advantages and disadvantages of establishing a uniform system for
5 occupancy taxes and whether that system, in whole or in part, should
6 be incorporated into the statutes.

7 **SECTION 7.7.** Sale and Use Tax and Out of State Purchases (H.B. 1994 –
8 Stam, Allred) – The Committee may study and examine, with the appropriate agencies
9 of neighboring states and taxpayer groups, issues associated with cross-border
10 transactions where property is purchased in one state and used in another state. The
11 Committee may examine the economic effects on retailers in North Carolina that make
12 cross-border deliveries of merchandise and may recommend possible actions that might
13 be taken to address the avoidance of sales and use tax by retailers and purchasers
14 located near State lines and to improve compliance with, or recommend changes to,
15 existing State laws. The Committee may also consider changes that would ease the
16 burden on retailers that deal with cross-border issues and ways to ensure that North
17 Carolina retailers are not placed at a disadvantage in comparison to retailers in
18 surrounding states.

19 **SECTION 7.8.** Franchise Laws for Farm and Industrial Equipment Dealers
20 (Cotham, Lewis) – The Committee may study issues related to franchise laws for farm
21 and industrial equipment dealers.

22 **SECTION 7.9.** Property Tax Exclusion for Disabled Veterans (H.B. 486-
23 McGee, Holliman, J. Harrell, Pate) – The Committee may study issues related to the
24 granting a property tax exclusion for disabled veterans.

25 **SECTION 7.10.** Renewable Energy Tax Credit – The Committee may study
26 issues related to the implementation of G.S. 105-129.16G – Credit for donating funds to
27 a nonprofit organization to enable the nonprofit to acquire renewable energy property.
28

29 **PART VIII. ENVIRONMENTAL REVIEW COMMISSION STUDIES**

30
31 **SECTION 8.1.** The Environmental Review Commission may study the
32 topics listed in this Part and report its findings, together with any recommended
33 legislation, to the 2008 Regular Session of the 2007 General Assembly upon its
34 convening.

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

40 (1) The role of "risk-based corrective action" in protecting both public
41 health and the environment.

42 (2) An assessment of whether DENR has fully utilized risk-based
43 corrective action in the program to date and whether implements could
44 be made to fully utilize existing financial resources in the future.

- 1 (3) An assessment of the pace of cleanup "closures", and the DENR's
2 experience with issuing letters of "no further action required"
3 including whether contamination is being addressed promptly and
4 impacted parcels being made eligible for desired commercial
5 transactions that follow appropriate remediation.
- 6 (4) An assessment of fair and equitable funding needs facing the State and
7 the tank owning segment with an examination of solvency issues
8 experienced in the present or expected in the future.
- 9 (5) An examination and survey of other states to determine "model
10 solutions" to address the challenges of financing environmental
11 cleanups following a tank release and the expedited return of impacted
12 parcels to needed and normal real estate commerce.

13 **SECTION 8.3.** Interstate Compact To Mediate Water Supply Issues (S.B.
14 1360 – Allran; H.B. 960 – Gillespie, Church, Hilton, R. Warren) – The Committee may
15 study the need to negotiate an interstate compact with adjoining states that have a river
16 basin that drains into or from North Carolina to mediate and cooperatively resolve water
17 supply disputes that may arise from interbasin transfers and consumptive water uses in
18 river basins that are shared by North Carolina and those states.

19 **SECTION 8.4.** Mountain Resources (Queen) – The Committee may study:

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

38 **SECTION 8.5.** Replacement of Incandescent Lamps (H.B. 838 – Harrison,
39 Fisher) – The Commission shall study the feasibility and desirability of phasing out the
40 use of various types of general service incandescent lamps and replacing them with
41 more energy efficient forms of lighting. As a part of this study, the Commission shall
42 consider the extent to which practical and cost-effective alternative forms of lighting,
43 including energy efficient incandescent lighting, are available and the short- and
44 long-term costs and benefits of replacing general service incandescent lamps with more

1 energy efficient forms of lighting. The Commission shall report its findings and
2 recommendations, including any legislative proposals, to the 2008 Regular Session of
3 the General Assembly.

4 **SECTION 8.6.** Farmers "Cap-and-Trade" Program For Greenhouse Gas
5 (GHG) Emissions (H.B. 962 – Faison, Hill) – The Commission may study the feasibility
6 and advisability of extending credits to the business of farming in the same manner that
7 credits are extended to other businesses in the event North Carolina enacts or adopts by
8 rule a market-based "Cap-and-Trade" program for greenhouse gas (GHG) emissions.
9 As used in this section, a "Cap-and-Trade" program is any program that places a limit,
10 the cap, on the total amount of GHG emissions that is allowed under the specific target
11 for GHG emissions set by the State, allocates GHG emissions as credits to individual
12 businesses so that the total credits allocated equal the cap, and allows businesses to bank
13 credits for the future or to buy and sell credits based on whether a particular business
14 reduced or increased its GHG emissions in a given year and the value of the credits in
15 the marketplace. In its study, the Commission may consider all of the following:

- 16 (1) How farmers can monitor GHG emissions.
- 17 (2) What the anticipated costs are to farmers to participate in a
18 "Cap-and-Trade" program for GHG emissions, including the costs of
19 monitoring GHG emissions, satisfying reporting requirements, and any
20 other costs.
- 21 (3) How farmers can reduce GHG emissions on a farm.
- 22 (4) How farmers can increase their farms' ability to act as "carbon sinks,"
23 that is, utilize the carbon-absorbing abilities of plants and trees to
24 remove carbon dioxide from the atmosphere.
- 25 (5) If farms can act as "carbon sinks" under subdivision (4) of this section,
26 whether the removal of carbon dioxide from the atmosphere should
27 receive some market value under the State's "Cap-and-Trade" program.
- 28 (6) How much farmers are likely to increase their annual incomes by
29 participating as businesses in a "Cap-and-Trade" program for GHG
30 emissions.
- 31 (7) Any other issues the Commission considers relevant to this topic.

32 **SECTION 8.7.** Increase The Recycling Of Glass And Plastic Containers.
33 (H.B. 1394 – Tolson, Wray, Crawford, Farmer-Butterfield) – The Commission may
34 study ways in which the recycling of glass and plastic containers can be increased and
35 ways in which the availability of recycled glass or plastic containers can be increased
36 for use as batch material for the manufacturing of glass and plastic containers, and the
37 Commission may include in this study an evaluation of the effectiveness of North
38 Carolina recycling practices for glass and plastic and compare them to the recycling
39 practices of other states. In its study, the Commission also may consider all of the
40 following:

- 41 (1) Whether any businesses in North Carolina use recycled glass or plastic
42 containers as batch material for the manufacturing of glass or plastic
43 containers.

- 1 (2) Whether any businesses identified under subdivision (1) of this section
2 receive adequate supplies of recycled glass or plastic containers for
3 their manufacturing processes.
- 4 (3) Where the recycled glass or plastic containers used by any businesses
5 identified under subdivision (1) of this section come from and how far
6 the recycled glass or plastic containers are transported to the
7 businesses.
- 8 (4) Whether glass and plastic containers that are discarded in North
9 Carolina are processed and recycled so as to benefit North Carolina
10 businesses.
- 11 (5) Whether glass and plastic containers that are discarded in North
12 Carolina are processed and recycled in keeping with the State's solid
13 waste management policy and the forty percent (40%) municipal solid
14 waste reduction goal established by the State under G.S. 130A-309.04.
- 15 (6) Any other issues the Commission considers relevant to this topic.

16 **SECTION 8.8.** Study Methods Of Disposing Of Wastewater At Municipal
17 Wastewater Treatment Systems (H.B. 1809 – Tucker, Grady, Cleveland) – The
18 Commission may study current methods of disposing of wastewater at municipal
19 wastewater treatment facilities, as defined in G.S. 143-215.6D, and may study the
20 feasibility and desirability of municipal wastewater treatment facilities employing other
21 methods of disposing of wastewater. In its study, the Commission may consider all of
22 the following:

- 23 (1) Whether the current practice of land application of wastewater at any
24 municipal wastewater treatment facilities requires too much land to be
25 practicable in the long term.
- 26 (2) Whether the current practice of land application of wastewater at
27 municipal wastewater treatment facilities is better suited to certain
28 parts of the State or to areas of certain geological or topographical
29 conditions.
- 30 (3) Whether there are any alternative methods of disposing of wastewater
31 at municipal wastewater treatment systems and the costs and benefits
32 of employing any such alternative methods either on a statewide basis
33 or in any specific area of the State.
- 34 (4) Subject to Section 2 of this act, any other issues the Commission
35 considers relevant to this topic.
- 36 (5) The study authorized by this section shall not address any issues
37 regarding animal waste management systems, as defined in
38 G.S. 143-215.10B, at swine farms, as defined in G.S. 106-802, or the
39 land application of wastewater associated with animal waste, as
40 defined in G.S. 143-215.10B.

41 **SECTION 8.9.** Study Use of State Gamelands along Northeast Cape Fear
42 River and Burgaw Creek for Education and Recreation (S.B. 780 – Soles; H.B. 926 –
43 Justice) –The Commission may study issues related to the desirability and feasibility of
44 adapting the use of a tract of State-owned land, located in the Southeastern part of the

1 State on the Northeast Cape Fear River and the Burgaw Creek that is currently State
2 gamelands, to showcase the natural environment of Southeastern North Carolina,
3 provide environmental education opportunities for youth and adults, and provide
4 recreational opportunities for outdoor enthusiasts. This tract is approximately 776 acres
5 located approximately three miles east of the Town of Burgaw and consists of creek
6 swamp, ridges, and a planted pine plantation. In particular, the Commission may
7 consider:

- 8 (1) The desirability and feasibility of establishing hiking trails on this
9 land.
- 10 (2) The desirability and feasibility of constructing a launch site on this
11 land that fronts the Burgaw Creek for canoes and kayaks, thereby
12 providing a venue for canoeing and kayaking on the Cape Fear River
13 and Burgaw Creek for the public.
- 14 (3) The environmental educational opportunities that are available for the
15 public at the bottomland swamps, pine plantation, and other wetlands
16 located on this land.
- 17 (4) The potential for developing at the pineland plantation a demonstration
18 forest to showcase best forest management practices.
- 19 (5) The potential for restricting the current use of this land as State
20 gamelands so that the use as gamelands would be compatible with
21 recreational, educational, and environmental uses.
- 22 (6) The potential for paying the costs, in whole or in part, of adapting the
23 use of this land to recreational, educational, and environmental uses
24 from the sale of timber from the pine plantation located on this land.
- 25 (7) Other possible funding sources than the funding source under
26 subdivision (6) of this section for the costs of adapting the use of this
27 land to recreational, educational, and environmental uses.
- 28 (8) Any other issues the Commission considers to be pertinent to its study.

29 **SECTION 8.10.** Artificial Slope Construction in Mountainous Areas (H.B.
30 1756 – Rapp, Haire, Fisher) – The Commission with the assistance of the Department of
31 Environment and Natural Resources, may study issues related to safe artificial slope
32 construction in mountainous areas. The Commission may specifically study the need
33 for and advisability of establishing minimum statewide management requirements for
34 safe artificial slope construction in mountainous areas of the State. The Commission
35 may also consider issues related to the recordation of natural hazards; environmental
36 permit conditions and limitations and land-use restrictions associated with real property
37 located in mountainous and other areas of the State; and disclosure to prospective
38 purchasers of real property of those hazards, conditions, and restrictions. If the
39 Commission undertakes this study, it shall hold at least two meetings related to this in
40 the western region of the State.

41 **SECTION 8.11.** Discarded Consumer Electronics (H.B. 1777 – Gibson) –
42 The Commission may study issues surrounding the management of discarded
43 consumers' desktop and notebook computers, computer monitors, computer display
44 devices, and televisions for which a manufacturer cannot be identified or for which the

1 manufacturer is no longer in business and has no successor in interest. When conducting
2 this study, the Commission may ascertain, by number of units, weight, or volume, how
3 much of this consumer computer and television equipment has been discarded in North
4 Carolina and may determine the threat to the environment these components of the
5 waste stream pose. No later than May 1, 2008, the Commission shall report its findings
6 and recommendations, including any administrative or legislative proposals, on the most
7 efficient and economically practicable means of recovering, reusing, recycling, or
8 disposing of these components of the waste stream.

9 **SECTION 8.12.** Ban Use of DECA Flame Retardant (Harrison) – The
10 Commission may study issues related to banning the use of DECA flame retardant.

11 **SECTION 8.13.** Wind Permitting (Harrison) – The Commission may study
12 methods for implementing a state level permitting system and siting requirements for
13 commercial-scale wind energy systems that will ensure that wind energy systems are
14 sited in an orderly manner compatible with environmental preservation, sustainable
15 development, and the efficient use of resources. In undertaking the study, the
16 Commission may consider procedures for environmental review of commercial-scale
17 wind energy systems, and standards necessary to minimize impacts in the following
18 areas: noise, visual, environmental, sensitive habitats, wildlife, public health, safety.
19 The Commission may form a technical advisory committee to include representatives
20 from various stakeholder groups to assist in conducting this study.

21 **SECTION 8.14.** Phase Out Lagoon and Sprayfield Systems (H.B. 1822 –
22 Jones, Harrison) – The Commission may study issues related to phasing out lagoon and
23 sprayfield systems.

24 **SECTION 8.15.** Hazard Disclosures in Coastal Real Estate Transactions
25 (H.B. 1628) – The Commission may study issues related to hazard disclosures in coastal
26 real estate transactions.

27 **SECTION 8.16.** No Mining Sand From Tidal Inlet/Delta. (H.B. 1832 –
28 Harrison) – The Commission may study issues related to mining sand from tidal inlets
29 and delta areas.

30 **SECTION 8.17.** Energy, Job Creation, and Venture Capital (H.B. 2028 –
31 Brubaker, Wainwright, Daughtridge) – The Commission may study issued related to
32 energy, job creation, and venture capital.

33
34 **PART IX. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL**
35 **HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE**
36 **SERVICES STUDIES**
37

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

42 **SECTION 9.2.** Facilities That Provide Housing For Adults With Mental
43 Illness In The Same Location With Adults Without Mental Illness (S.B. 1266 – Nesbitt;
44 H.B. 691 – Insko) – The Committee may study and identify rules and laws that are

1 necessary to regulate facilities that provide housing for adults with mental illness in the
2 same location with adults without mental illness.

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

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

11
12 **PART X. JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND**
13 **JUVENILE JUSTICE OVERSIGHT COMMITTEE STUDIES**
14

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

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

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

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

1 The Committee may develop recommendations for reducing offender recidivism,
2 including funding recommendations. The primary funding recommendations should
3 focus on programs that are cost-effective and have the strongest potential to reduce
4 recidivism. The Committee may make an interim report to the 2008 Regular Session of
5 the 2007 General Assembly and a final report to the 2009 General Assembly. The final
6 report should include recommendations relating to both community corrections and
7 prisons.

8 **SECTION 10.4.** Housing Minimum-Custody Offenders In Substance Abuse
9 Treatment Facilities (Dorsett) – The Committee may study the potential for housing
10 minimum-custody offenders sentenced to the North Carolina Department of Correction
11 in private or non-profit facilities for substance abuse treatment, including:

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

32 **SECTION 10.5.** Juvenile Detention Centers (H.B. 394 – Saunders, Earle,
33 Tillis) – The Committee may study the four juvenile detention centers located in
34 Durham, Guilford, Forsyth, and Mecklenburg Counties that are operated by the
35 counties. For each of the facilities, the review shall include:

- 36 (1) Recent admission trends and projections of future population.
- 37 (2) The offense history and assessed needs of the population.
- 38 (3) Whether staffing levels are appropriate for the number and types of
39 offenders housed in the facility.
- 40 (4) Whether the center has adequate housing capacity.
- 41 (5) Whether the physical facility has repair or renovation needs, the extent
42 of those needs, and whether facility replacement or renovation is
43 needed in the near future.

1 (6) The cost to operate the center, including the formula for allocating
2 costs between the county that operates the facility and the State.

3 (7) The feasibility of the State operating the local detention center, if
4 recommended by one or more of the counties that operate the facility.

5 The Committee shall conduct this study in conjunction with the local
6 detention centers and the Department of Juvenile Justice and Delinquency Prevention.
7 The Committee shall report its findings to the Chairs of the Senate and House of
8 Representatives Appropriations Committees and the Chairs of the Senate and House of
9 Representatives Appropriations Subcommittees on Justice and Public Safety.

10 **SECTION 10.6.** Dispositional Alternatives For Juveniles Who Are
11 Adjudicated Delinquent For A Driving While Impaired Or An Underage Drinking
12 Violation (H.B. 1481 – Glazier, Lucas) – The Committee may study dispositional
13 alternatives for juveniles who are adjudicated delinquent for an offense that is a
14 violation of G.S. 20-138.1, Impaired Driving, or G.S. 20-138.3, Driving By Persons
15 Less Than 21 Years Old After Consuming Alcohol or Drugs. In conducting its study,
16 the Committee shall consider the offense classifications and dispositions set forth in
17 G.S. 7B-2508 and shall determine whether violations of G.S. 20-138.1 and
18 G.S. 20-138.3 should be classified as violent, serious, or minor. In addition, the
19 Commission shall review the delinquency history level points assigned to the offense
20 classifications pursuant to G.S. 7B-2507 and shall determine the appropriate points to be
21 assigned for violations of G.S. 20-138.1 and G.S. 20-138.3. The Committee may make
22 an interim report, including any legislative proposals, to the 2007 General Assembly,
23 Regular Session 2008, and shall make its final report to the 2009 General Assembly
24 upon its convening.

25 **SECTION 10.7.** Correctional Officer Compensation (H.B. 1150 – Pierce,
26 Wainwright, Hall) – The Committee may:

27 (1) Assess the current compensation and classification system for
28 correctional officers employed in the Department of Correction.

29 (2) Review whether differences in the risks, duties, and competencies of
30 correctional officers serving in minimum, medium, and maximum
31 security facilities warrant differentials in pay based on any differing
32 risks, duties, and competencies.

33 (3) Study any other matter related to the compensation and terms and
34 conditions of employment of correctional officers that the Committee
35 deems relevant.

36 **SECTION 10.8.** Correctional Officer Working Conditions and Workplace
37 Injuries (H.B. 1371 – Pierce, Wainwright) – The Committee may:

38 (1) Assess the working conditions of, and the incidence of injury among,
39 correctional officers employed in the Department of Correction.

40 (2) Review the adequacy of current remedies and resources available to
41 correctional officers for workplace injuries.

42 (3) Review any other matter concerning the working condition of State
43 correctional officers.
44

1 **PART XI. JOINT LEGISLATIVE ECONOMIC DEVELOPMENT OVERSIGHT**
2 **COMMITTEE STUDIES**

3
4 **SECTION 11.1.** The Joint Legislative Economic Development Oversight
5 Committee may study the topics listed in this Part and report its findings, together with
6 any recommended legislation, to the 2008 Regular Session of the 2007 General
7 Assembly upon its convening.

8 **SECTION 11.2.** Providing Sales And Use Tax Refunds On Aviation Fuel
9 To Encourage The Location Of Corporate Fleets In The State. (H.B. 1666 – Williams) –
10 The Committee may study the issue of providing refunds of sales and use taxes paid on
11 aviation fuel by owners or operators of corporate jet fleets. The study may contain an
12 evaluation of the effect of sales and use tax refunds on the actions of motor racing teams
13 and air passenger carriers, which are currently eligible for refunds. The Committee may
14 look at other proposals to encourage the location of corporate air fleets in the State.
15

16 **PART XII. NORTH CAROLINA STUDY COMMISSION ON AGING STUDIES**
17

18 **SECTION 12.1.** The North Carolina Study Commission on Aging may
19 study the topics listed in this Part and report its findings, together with any
20 recommended legislation, to the 2008 Regular Session of the 2007 General Assembly
21 upon its convening.

22 **SECTION 12.2.** Necessity For Limiting The Authority Of Long Term Care
23 Providers In Hiring Convicted Felons (S.B. 749 – Dannelly; H.B. 1748 – Earle) – The
24 Commission may study the need for amending G.S. 131E-265 and G.S. 131D-40
25 regarding the authority of a nursing home, home care agency, adult care homes, or the
26 contract agency of a nursing home, home care agency, or adult care homes to determine
27 if there is a need to specify certain convictions committed within a given time frame
28 that should automatically disqualify an applicant from employment. If it undertakes the
29 study, the Commission shall consult with the Department of Health and Human
30 Services, the North Carolina Attorney General's office, and long-term care provider
31 associations and advocacy groups.

32 **SECTION 12.3.** WIN A STEP UP/Self-sustaining (S.B. 99 – Dannelly) –
33 The Committee may study the feasibility of the WIN A STEP UP program becoming a
34 self-sustaining program.

35 **SECTION 12.4.** Increasing Medicaid Medically Needy Income Limits (S.B.
36 110 – Malone; H.B. 92 – Weiss, Earle, Bordsen, England) – The Committee may study
37 the medically needy income standard. If the Committee undertakes the study, it shall
38 include determining a method for increasing the current standard while providing
39 improved consistency across long-term care settings.
40

41 **PART XIII. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON**
42 **INFORMATION TECHNOLOGY STUDIES**
43

1 **SECTION 13.1.** The Joint Legislative Oversight Committee on Information
2 Technology may study the topics listed in this Part and report its findings, together with
3 any recommended legislation, to the 2008 Regular Session of the 2007 General
4 Assembly upon its convening.

5 **SECTION 13.2.** Improvement Of Information Technology Efficiency And
6 Project Management (S.B. 1223 – Cowell) – The Committee may review the outcomes
7 related to the passage of Senate Bill 991 (S.L. 2004-124) regarding the improvement of
8 State information technology efficiency and project management.

9 **SECTION 13.3.** Implementation Of Technologies To Improve Access To
10 Health Care Information (Cowell) – The Committee may examine opportunities for the
11 State to demonstrate leadership in the development and implementation of technologies
12 focused on improving and gaining new efficiencies in the delivery of health care in
13 North Carolina. If it undertakes the study, the Committee shall also address patient
14 privacy issues. The Committee may examine the benefits of increasing access to key
15 health care information through technology applications. The Committee may in its
16 discussions utilize the experience and expertise developed by the North Carolina Health
17 Information and Communication Alliance (NCHICA), an organization originally
18 created by Executive Order of the Governor to explore and identify such opportunities.
19 The Committee may also obtain input from the health care provider community in
20 identifying opportunities for partnerships in these efforts. The Committee may explore
21 the availability of potential funding through federal and other grants focused on these
22 goals, and how North Carolina might take advantage of funding opportunities and play a
23 national leadership role in advances in the use of this technology.

24 The Committee may make an interim report and recommendations to the
25 2008 Regular Session of the 2007 General Assembly, and a final report and
26 recommendations to the 2009 General Assembly.

27 28 **PART XIV. JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE** 29 **OVERSIGHT COMMITTEE STUDIES**

30
31 **SECTION 14.1.** The Joint Legislative Administrative Procedure Oversight
32 Committee may study the topics listed in this Part and report its findings, together with
33 any recommended legislation, to the 2008 Regular Session of the 2007 General
34 Assembly upon its convening.

35 **SECTION 14.2.** Disciplinary Authority Of All Occupational Licensing
36 Boards Subject To Chapter 93B (Rand) – The Committee may undertake a study of the
37 disciplinary authority of all occupational licensing boards subject to Chapter 93B of the
38 General Statutes. The Committee may review the grounds for imposing disciplinary
39 action, the levels of discipline, and the process for making disciplinary determinations
40 used by each of the occupational licensing boards.

41 42 **PART XV. JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE** 43 **STUDIES**

1 **SECTION 15.1.** The Joint Legislative Committee on Domestic Violence
2 may study the topics listed in this Part and report its findings, together with any
3 recommended legislation, to the 2008 Regular Session of the 2007 General Assembly
4 upon its convening.

5 **SECTION 15.2.** Move Domestic Violence Commission – The Committee
6 may study the issue of whether services for domestic violence victims would be
7 delivered more efficiently if the Domestic Violence Commission was separated from
8 the North Carolina Council for Women under the Department of Administration and
9 moved to the Department of Crime Control and Public Safety.

10
11 **PART XVI. BOARD OF DIRECTORS OF THE NORTH CAROLINA HEALTH**
12 **INSURANCE RISK POOL MONITOR METHODS OF FINANCING THE**
13 **POOL TO ENSURE A STABLE FUNDING SOURCE (S.B. 177 – Rand)**
14

15 **SECTION 16.1.** The Board of Directors of the North Carolina Health
16 Insurance Risk Pool shall monitor methods of financing the Pool to ensure a stable
17 funding source and allow for its continued operation. This monitoring shall include
18 supplementary sources of funding, such as funds obtained from public and private
19 not-for-profit foundations, insurer assessments including special assessments, or other
20 appropriate and available State or non-State funds. The Board shall also review on a
21 regular basis:

- 22 (1) The number of individuals in this State who are uninsured as of a date
23 certain because of high-risk conditions.
- 24 (2) The number of uninsured individuals who would qualify for coverage
25 under the Pool based on G.S. 58-50-265 and its Plan of Operation.
- 26 (3) The cost of coverage under each of the health insurance plans
27 developed by the Board, including administrative costs.
- 28 (4) The extent to which assessments meet or exceed amounts necessary
29 for coverage and Board operations.
- 30 (5) The status of a request by the State to the Centers for Medicare and
31 Medicaid Services for approval of the North Carolina Health Insurance
32 Risk Pool to be considered an acceptable "alternative mechanism"
33 under the federal Health Insurance Portability and Accountability Act
34 in accordance with 45 C.F.R. § 148.128(e).

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

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

41 **SECTION 16.3.** If House Bill 265 of the 2007 General Assembly becomes
42 law, then this section is repealed.
43

1 **PART XVII. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
2 **AND IDENTIFY PROGRAM AND SERVICE NEEDS FOR OLDER ADULTS**
3 **IN BRUNSWICK AND OTHER COUNTIES (S.B. 448 – Soles)**
4

5 **SECTION 17.1.** The Department of Health and Human Services, Division
6 of Aging and Adult Services, shall study the population profile of Brunswick County
7 and other counties where there is expected to be a significant increase in the number of
8 individuals who are 65 years old or older. The purpose of the study is to determine the
9 anticipated impact on programs and services that address the needs of the older adult
10 population. The study shall identify programs that are currently in place, or are needed,
11 in order to address the needs of the older adult population and shall make
12 recommendations for improved delivery systems. The study shall also identify current
13 funding sources and where additional funds are needed. The Department shall report its
14 findings and recommendations not later than April 1, 2008, to the 2008 Regular Session
15 of the 2007 General Assembly, to the North Carolina Study Commission on Aging, and
16 to the board of county commissioners of each county studied.

17 **SECTION 17.2.** If Senate Bill 448 of the 2007 General Assembly is enacted,
18 then this Section is repealed
19

20 **PART XVIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
21 **OPTIMAL PLACEMENT OF AUTOMATED EXTERNAL**
22 **DEFIBRILLATORS (S.B. 476 – Purcell)**
23

24 **SECTION 18.** The Department shall study locations and incidences of
25 cardiac arrest throughout the State and identify those areas or activities where the public
26 may be at an increased risk of suffering sudden cardiac death to determine optimal
27 placement of automated external defibrillators. The Department shall report its findings
28 and recommendations to the General Assembly on or before March 1, 2008.
29

30 **PART XIX. Reserved**
31

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

38 **SECTION 20.** The Commissioner of Insurance, the North Carolina
39 Industrial Commission, and the Department of Health and Human Services shall jointly
40 study the utility, efficacy, and advisability of creating a system of no-fault
41 compensation, with such compensation based on scheduled amounts and subject to
42 limits on total compensation paid, for injuries resulting from regular and ordinary
43 course of care provided at nursing homes, homes for the elderly, other long-term care
44 facilities, and assisted living facilities. The results of this study, including findings and

1 recommendations for suggested legislation, shall be reported to the 2009 General
2 Assembly on or before January 1, 2009.

3
4 **PART XXI. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE**
5 **NORTH CAROLINA HOUSING FINANCE AGENCY ADDRESS GAPS IN**
6 **THE HOUSING CONTINUUM (S.B. 1266 – Nesbitt)**

7
8 **SECTION 21.** The Department of Health and Human Services and the
9 North Carolina Housing Finance Agency shall work together to develop a plan for the
10 most efficient and effective use of State resources in the financing and construction of
11 additional independent- and supportive-living apartments for individuals with mental
12 health, developmental, or substance abuse disabilities. This plan shall address gaps in
13 the housing continuum identified by the study that DHHS will conduct during fiscal
14 year 2006-2007 and fiscal year 2007-2008. DHHS and NCHFA shall report this plan
15 and also the progress of the Housing 400 Initiative to the Joint Legislative Oversight
16 Committee on Mental Health, Developmental Disabilities, and Substance Abuse
17 Services by March 1, 2008.

18
19 **PART XXII. SENTENCING AND POLICY ADVISORY COMMITTEE STUDY**
20 **RECLASSIFYING CERTAIN MISDEMEANORS TO INFRACTIONS**
21 **(Kinnaird, Snow)**

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

32
33 **PART XXIII. Reserved**

34
35 **PART XXIV. GOVERNOR'S CRIME COMMISSION TO STUDY EXPANDING**
36 **THE JURISDICTION OF THE DEPARTMENT OF JUVENILE JUSTICE**
37 **AND DELINQUENCY PREVENTION TO INCLUDE CRIMINAL ACTS OF**
38 **SIXTEEN-AND SEVENTEEN-YEAR-OLDS (Kinnaird; H.B. 492 – Bordsen,**
39 **Bryant, Love, Wainwright)**

40
41 **SECTION 24.1.** The Governor's Crime Commission and its adjunct
42 committees shall study the legal, systematic, and organizational impact of expanding the
43 jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to
44 include persons 16 and 17 years of age who commit crimes or infractions under State

1 law or under an ordinance of local government. In particular, the Commission shall
2 perform the following functions regarding the proposed expansion of the jurisdiction of
3 the Department of Juvenile Justice and Delinquency Prevention to include 16-and
4 17-year-olds who commit crimes or infractions under State or local law:

- 5 (1) Identify the costs to the State court system and State and local law
6 enforcement.
- 7 (2) Review the relevant State laws that should be conformed or amended,
8 including, but not limited to, the motor vehicle and criminal laws, the
9 laws regarding expunction of criminal records, and other juvenile laws.
- 10 (3) Review the experience of any other states which have within recent
11 years expanded the juvenile justice jurisdiction to 16-and 17-year-olds.
- 12 (4) Identify the practical issues for the Department of Juvenile Justice and
13 Delinquency Prevention to implement best practices for programs and
14 facilities that would meet the unique needs of the older youth under the
15 proposal without adversely affecting the existing departmental
16 programming.
- 17 (5) Review the relevant State laws on sharing of juvenile information with
18 other State departments and agencies.
- 19 (6) Create a specific plan of the actions that are necessary to implement
20 the expansion of the jurisdiction of the Department of Juvenile Justice
21 and Delinquency Prevention.
- 22 (7) Determine the total cost of expanding the jurisdiction of the
23 Department of Juvenile Justice and Delinquency Prevention.
- 24 (8) Conduct a cost benefit analysis of expanding the jurisdiction of the
25 Department of Juvenile Justice and Delinquency Prevention with
26 specific information on possible future fiscal savings anywhere within
27 State government as a result of expenditures necessary to implement
28 the expansion.
- 29 (9) Determine whether federal or other funds are available to aid in the
30 transition and expansion, or both, of the age of juvenile jurisdiction to
31 16-and 17-year-olds.

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

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

43 **SECTION 24.4.** Funding. – Upon the receipt of funds, the Commission shall
44 use available funds from its budget in conducting this study and may apply for, receive,

1 or accept grants and contributions from any source of money or any other thing of value
2 to be held and used for the purposes of this study.

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

7 In addition to its interim and final report, the Commission shall report in
8 writing on the progress of this study on a quarterly basis beginning on September 1,
9 2007, and by the first day of every quarter thereafter until the Commission submits its
10 final report to the General Assembly, to the chairs and cochairs, as applicable, of the
11 following standing committees or subcommittees of the General Assembly:

12 House of Representatives

13 Appropriations: Justice and Public Safety,

14 Children, Youth, and Families,

15 Education: Preschool, Elementary and Secondary Education,

16 Juvenile Justice,

17 Judiciary I,

18 Judiciary II,

19 Judiciary III; and

20 Senate

21 Appropriations: Justice and Public Safety,

22 Education and Higher Education,

23 Judiciary I,

24 Judiciary II,

25 Mental Health and Youth Services.

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

28
29 **PART XXV. DEPARTMENT OF CULTURAL RESOURCES TO STUDY THE**
30 **PRESERVATION OF FOLK LIFE RESOURCES (S.B. 1515 – Queen)**

31
32 **SECTION 25.** The Department of Cultural Resources may study the
33 measures necessary to preserve and promote traditional arts and cultures in North
34 Carolina, and to implement heritage development initiatives, in order to enhance
35 community and economic development. Special attention may be given to the effect of
36 heritage development initiatives and how they may assist economically distressed
37 communities across the State. The Department shall report the results of this study to
38 the 2008 Regular Session of the 2007 General Assembly.

39
40 **PART XXVI. UNIVERSITY OF NORTH CAROLINA/DUKE UNIVERSITY TO**
41 **STUDY THE NEED FOR A DEEPWATER RESEARCH VESSEL (Boseman)**
42

1 **SECTION 26.** The University of North Carolina, in collaboration with Duke
2 University, may study the need for a deepwater research vessel in North Carolina. If
3 undertaken, the study shall:

- 4 (1) Examine whether there is a need for North Carolina to expand its
5 current deepwater research capability.
- 6 (2) Identify the preferred funding source for a research vessel and
7 deepwater research in North Carolina.
- 8 (3) Outline how best to integrate all the interested research departments in
9 the State into a model partnership for such research, and how the
10 lessons learned may be replicated in other disciplines.
- 11 (4) Determine whether the model should include both public and private
12 entities.
- 13 (5) Examine public and private marine research consortiums in other
14 states.

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

17
18 **PART XXVII. DEPARTMENT OF ADMINISTRATION TO STUDY**
19 **DISPARITY IN AWARDING STATE CONTRACTS TO**
20 **MINORITY-OWNED AND WOMEN-OWNED BUSINESSES (Shaw,**
21 **McKissick)**
22

23 **SECTION 27.** The Department of Administration may conduct a study on
24 the availability and utilization of minority-owned and women-owned business
25 enterprises and examine relevant evidence of the effects of race-based and gender-based
26 discrimination upon the utilization of such business enterprises in contracts for
27 planning, design, preconstruction, construction, maintenance, renovation, or repairs of
28 State building projects, including building projects performed by a private entity on a
29 facility to be leased or purchased by the State. The study may include local government
30 units or other public or private entities that receive State funding for a building or utility
31 project, or other State grant funds for such projects performed by a private entity on a
32 facility to be leased or purchased by the local government unit. The study may further
33 examine relevant evidence of the effects of race-based and gender-based discrimination
34 upon the utilization of such business enterprises in contracts for the procurement of
35 materials, supplies, equipment, apparatus, or other goods and services by all State
36 entities.
37

38 **PART XXVIII. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH**
39 **CAROLINA STUDY THE DEDICATION OF ONE OR MORE DENTAL**
40 **SCHOLARSHIP-LOAN PROGRAM SLOTS TO DENTISTS SERVING**
41 **SPECIAL CARE POPULATIONS (S.B. 52 – Dorsett; H.B. 201 – Earle, Weiss,**
42 **Bordsen, England)**
43

1 **SECTION 28.1.** The Board of Governors of The University of North
2 Carolina shall study the feasibility of permanently dedicating one or more of the Board
3 of Governors' Dental Scholarship-Loan Program slots to individuals who will
4 predominately treat special care populations, primarily developmentally disabled
5 individuals, and the elderly.

6 **SECTION 28.2.** The Board of Governors of The University of North
7 Carolina shall report findings and recommendations on the study authorized in this
8 section to the North Carolina Study Commission on Aging and to the General Assembly
9 on or before January 15, 2008.

10
11 **PART XXIX. DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY AND**
12 **IDENTIFY VARIOUS MODELS BEING UTILIZED TO DELIVER**
13 **EDUCATIONAL AND OTHER SERVICES AT THE HIGH SCHOOL**
14 **LEVEL TO CHILDREN WITH DISABILITIES IN THE STATE (H.B. 17 –**
15 **Glazier, Bell, E. Warren, Wiley)**

16
17 **SECTION 29.** The Department of Public Instruction shall identify the
18 various models being utilized to deliver educational and other services at the high
19 school level to children with disabilities in North Carolina. As a part of its study, the
20 Department shall consider the efficacy of the models currently being used in the State
21 and review the research for best practice models that are being implemented in other
22 states. The Department shall report its findings and any recommended legislation or
23 policy changes by December 1, 2007, to the Joint Legislative Education Oversight
24 Committee.

25
26 **PART XXX. BOARD OF GOVERNORS STUDY EFFECTIVENESS OF TEACHER**
27 **EDUCATION (H. B. 26 – Farmer-Butterfield, E. Warren, Parmon, Wiley)**

28 **SECTION 30.1.** The General Assembly finds that additional data is needed
29 to determine the adequacy with which the State's teacher education programs are
30 preparing teachers to teach students with disabilities. The Board of Governors of The
31 University of North Carolina, in consultation with the State Board of Education, shall
32 study the effectiveness of the current teacher education programs in preparing new
33 teachers to educate students with disabilities.

34 **SECTION 30.2.** The Board of Governors shall report its findings and
35 recommendations to the Joint Legislative Education Oversight Committee by May 15,
36 2008. The report shall include (i) evidence of the effectiveness of the current teacher
37 education programs in preparing students to educate students with disabilities; (ii)
38 documentation that the requirement for including specified demonstrated competencies
39 in G.S. 115C-296(b) is being met; and (iii) identification of changes needed in teacher
40 education programs to better prepare teachers to teach students with disabilities, and a
41 timeline for the implementation of the changes.

1 **PART XXXI. DEPARTMENT OF ENVIRONMENT AND NATURAL**
2 **RESOURCES STUDY REGULATION OF HAZARDOUS WASTE**
3 **TRANSFER FACILITIES (H.B. 36 – Weiss, Ross, T. Harrell, Dollar)**
4

5 **SECTION 31.** The Department of Environment and Natural Resources shall
6 study the need for further regulation of hazardous waste transfer facilities, as defined in
7 G.S. 130A 290(a)(13a), as enacted by subsection (a) of this section, including whether
8 to require these facilities to obtain a permit under Part 2 of Article 9 of Chapter 130A of
9 the General Statutes, pay permit fees, provide contingency plans, and demonstrate
10 financial responsibility. The Department of Environment and Natural Resources shall
11 report its findings and recommendations, including any legislative proposals, to the
12 Environmental Review Commission on or before February 15, 2008.
13

14 **PART XXXII. DEPARTMENT OF CORRECTION STUDY AGING INMATE**
15 **POPULATION (H.B. 62 – Glazier, Bordsen)**
16

17 **SECTION 32.** The Department of Correction shall study its aging inmate
18 population and evaluate the resources and facilities that will be necessary to deal with
19 the health care, program needs, and adaptive device needs of those inmates and shall
20 determine the desirability of establishing specialized facilities for geriatric inmates, in
21 order to address the physical, nutritional, health care, psychological, and social needs of
22 these older inmates. In the course of its study, the Department shall familiarize itself
23 with the existing programs in Ohio, Minnesota, and Pennsylvania that address the needs
24 of older inmates. The Department shall report its findings and recommendations by
25 March 1, 2008, to the Joint Legislative Corrections, Crime Control, and Juvenile Justice
26 Oversight Committee.
27

28 **PART XXXIII. STATE BOARD OF EDUCATION STUDY STRATEGIES FOR**
29 **MODIFYING PRINCIPAL AND ASSISTANT PRINCIPAL**
30 **COMPENSATION SO AS TO ENHANCE RECRUITMENT AND**
31 **RETENTION EFFORTS. (H.B. 140 – Glazier, Insko, Alexander, Goforth)**
32

33 **SECTION 33.** The State Board of Education shall study strategies for
34 modifying principal and assistant principal compensation so as to enhance recruitment
35 and retention efforts. In the course of the study, the State Board shall consider:

- 36 (1) The merits of:
- 37 a. Signing or retention bonuses for hard-to-staff and turn-around
38 schools.
 - 39 b. Salary differentials based on whether a school is an elementary
40 school, middle school, high school, or alternative school.
 - 41 c. Salary differentials based on the results of the Teacher Working
42 Conditions Survey.
 - 43 d. Incentives to encourage effective school administrators to
44 continue working after they have reached 30 years of service.

- 1 (2) The frequency and size of increments on the principal salary schedule.
2 (3) Opportunities and incentives for retired school administrators to return
3 to service.

4 The State Board of Education shall report the results of the study to the Joint Legislative
5 Education Oversight Committee prior to February 1, 2008.
6

7 **PART XXXIV. DEPARTMENT OF HEALTH AND HUMAN SERVICES**
8 **STUDY ALL OF THE DEPARTMENT'S COUNTY ALLOCATION**
9 **FORMULAS (H.B. 187 – Glazier, Insko, Lucas, Dickson)**

10
11 **SECTION 34.** The Department of Health and Human Services shall contract
12 with a professional consulting firm to conduct a study of all of the county allocation
13 formulas applied by the Department. The purpose of the study is to determine the
14 sufficiency, equity, and efficiency of each formula. The study shall be completed not
15 later than March 1, 2008. Not later than May 1, 2008, the Department shall report the
16 results and recommendations of the study to the Joint Legislative Commission on
17 Governmental Operations, the House of Representatives Appropriations Subcommittee
18 on Health and Human Services, the Senate Appropriations Committee on Health and
19 Human Services, and the Fiscal Research Division.
20

21 **PART XXXV. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
22 **OF THE PROGRAM SPECIAL ASSISTANCE IN-HOME PROGRAM (H.B.**
23 **197 – Earle, Weiss, Bordsen, England)**

24
25 **SECTION 35.** The Department of Health and Human Services shall conduct
26 a study to examine possible barriers to expansion and participation in the Special
27 Assistance In-Home Program. The Department shall study implementation, both
28 individually and collectively, and shall develop a cost estimate and participation level
29 estimate for each of the following:

- 30 (1) The impact of having the State pay one-third of the current county
31 share for the cost of case management in an effort to encourage
32 increased county participation.
33 (2) The impact of removing the cap on the number of Special Assistance
34 In-Home slots.
35 (3) The impact of changing the income level for the Special Assistance
36 In-Home Program from one hundred percent (100%) of the federal
37 poverty level to the maximum monthly rate for residents in adult care
38 homes.

39 The participation level estimate shall include individuals that might meet eligibility
40 requirements regardless of current residence. The Department shall present its findings
41 and recommendations on the study authorized in this section to the Study Commission
42 on Aging on or before November 1, 2007.
43

1 **PART XXXVI. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH**
2 **CAROLINA TO STUDY MINORITY FACULTY AND GRADUATES IN**
3 **MEDICINE AND DENTISTRY (H.B. 1788 – Adams)**
4

5 **SECTION 36.1.** The Board of Governors of The University of North
6 Carolina shall study minority faculty and graduates in the fields of medicine and
7 dentistry at the state-operated medical and dental schools.

8 **SECTION 36.2.** The Board of Governors of The University of North
9 Carolina shall report its findings and recommendations to the 2008 Regular Session of
10 the 2007 General Assembly.
11

12 **PART XXXVII. EXPAND THE SCOPE OF THE DEPARTMENT OF**
13 **CORRECTION STUDY REGARDING MANDATORY MENTAL HEALTH**
14 **TREATMENT PROGRAMS FOR INCARCERATED SEX OFFENDERS**
15 **(H.B. 223 – Goforth, Ray, Glazier)**
16

17 **SECTION 37.** Section 18 of S.L. 2006-247 directs the Department of
18 Correction to study and develop a plan for mental health treatment programs for
19 incarcerated sex offenders designed to reduce the likelihood of recidivism. In
20 conducting that study, the Department shall also do all of the following:

- 21 (1) Identify the highest priority sex offenders who need treatment.
- 22 (2) Address whether mental health treatment programs should be
23 mandatory for sex offenders.
- 24 (3) Determine the treatment approach and cost of implementing a
25 mandatory treatment program.
26

27 **PART XXXVIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO**
28 **STUDY RELATED ISSUES TO THE MEDICAL CARE COMMISSION**
29 **ADOPTING RULES ALLOWING THE ISSUANCE OF RATED**
30 **CERTIFICATES TO ADULT CARE HOMES (H.B. 248 – Bordsen, Earle)**
31

32 **SECTION 38.1.** The Department of Health and Human Services, Division
33 of Health Service Regulation, shall study the following:

- 34 (1) The structure and cost of a system to reward adult care homes which
35 receive high ratings.
- 36 (2) The development of a quality improvement program to provide
37 technical assistance targeted to facilities that receive low ratings.

38 The Department shall report findings and recommendations on this study to
39 the North Carolina Study Commission on Aging not later than March 1, 2008.

40 **SECTION 38.2.** The Department of Health and Human Services, Division
41 of Health Service Regulation and Division of Aging and Adult Services shall study
42 expanding the rated certificate system to other facilities and services licensed and
43 certified by the Department. The Department shall report to the North Carolina Study
44 Commission on Aging on the expansion of the rating system by October 1, 2009.

1 **SECTION 38.3.** The Department of Health and Human Services, Division
2 of Health Service Regulation, shall report on the implementation of the rated certificate
3 system. The Department shall make an interim report to the North Carolina Study
4 Commission on Aging not later than October 1, 2009, and a final report to the
5 Commission not later than October 1, 2010.

6
7 **PART XXXIX. DEPARTMENT OF HEALTH AND HUMAN SERVICES**
8 **STUDY RESPITE CARE AND RECOMMEND WAYS TO IMPROVE THE**
9 **CURRENT RESPITE CARE DELIVERY SYSTEM (H.B. 424 –Clary, Moore,**
10 **Farmer-Butterfield)**

11
12 **SECTION 39.1.** The Department of Health and Human Services, Division
13 of Health Service Regulation, Division of Medical Assistance, and the Division of
14 Aging and Adult Services, shall study the availability and delivery of respite care which
15 provides temporary relief for family members and others who care for individuals with
16 disabilities, chronic or terminal illnesses, dementia, or the elderly. The study shall
17 examine the following:

- 18 (1) The need and availability of respite care in North Carolina.
- 19 (2) The delivery and licensing of respite care in other states and possible
20 models for North Carolina.
- 21 (3) The application process for a grant under the Lifespan Respite Care
22 Act of 2006, 42 U.S.C.
- 23 (4) The need for separate statutory language pertaining to respite care.
- 24 (5) The need, proposed structure, and development timeline for a separate
25 licensure category for respite care.
- 26 (6) The development of a Medicaid waiver covering a proposed new
27 licensure category for respite care.

28 **SECTION 39.2.** In response to the study authorized in this section, the
29 Department of Health and Human Services shall present findings and recommendations,
30 including any proposed statutory changes and new licensure categories, to the Study
31 Commission on Aging on or before March 1, 2008.

32
33 **PART XL. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
34 **THE FEASIBILITY OF REQUIRING THAT ALL VACCINATIONS USED**
35 **TO CARRY OUT THE PROVISIONS OF G.S. 130A-152(A) SHALL BE**
36 **FREE OF THE PRESERVATIVE THIMEROSAL (H.B. 431 –Dollar, Goforth)**

37
38 **SECTION 40.** The Department of Health and Human Services shall study
39 and determine the feasibility of requiring that all vaccinations used to carry out the
40 provisions of G.S. 130A-152(a) shall be free of the preservative thimerosal. The
41 Department shall submit a written report of its findings, including a timetable for
42 implementation, to the 2008 Regular Session of the General Assembly upon its
43 convening.

1 **PART XLI. THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON**
2 **AGING STUDY REGARDING PUBLIC GUARDIANSHIP SERVICES (H.B.**
3 **797 – Bordsen, Goodwin)**
4

5 **SECTION 41.1.** The University of North Carolina Institute on Aging shall
6 conduct a study regarding public guardianship services. In conducting the study, the
7 Institute on Aging shall consult with agencies and organizations that are involved or
8 interested in the provision of public guardianship services, including the Division of
9 Aging and Adult Services, the ARC of North Carolina, the Corporation for
10 Guardianship Services, the North Carolina Guardianship Association, the North
11 Carolina Association of County Directors of Social Services, Carolina Legal Assistance,
12 and the Elder Law Section of the North Carolina Bar Association. The Institute on
13 Aging shall consider the recommendations regarding public guardianship services made
14 by the Wingspread National Guardianship Conference, the Wingspan National
15 Guardianship Conference, and the National Study of Public Guardianship conducted by
16 the American Bar Association's Commission on Legal Problems of the Elderly, as well
17 as the structure, administration, funding, and performance of the public guardianship
18 programs in Florida, Georgia, Illinois, Indiana, Kentucky, and Virginia.

19 **SECTION 41.2.** The study shall address the following:

- 20 (1) The provision of public guardianship services through "disinterested
21 public agent" guardians appointed under Chapter 35A of the General
22 Statutes.
- 23 (2) The provisions of public guardianship services through "public
24 guardians" under Article 11 of Chapter 35A of the General Statutes.
- 25 (3) The advantages and disadvantages of providing public guardianship
26 services through each of the four models of public guardianship (court,
27 social services, independent agency, and county) identified in the
28 National Study of Public Guardianship.
- 29 (4) The cost and feasibility of providing public guardianship services
30 through government-funded nonprofit corporations.
- 31 (5) The potential for conflicts of interest in the provision of public
32 guardianship services and ways to avoid or minimize potential
33 conflicts of interest in providing public guardianship services.
- 34 (6) The amount of funding needed to provide high quality public
35 guardianship services.
- 36 (7) Potential sources of revenue to fund public guardianship services.
- 37 (8) Eligibility to receive public guardianship services.
- 38 (9) Monitoring and evaluation of public guardianship programs.
- 39 (10) Maximum staff-ward ratios for public guardianship programs.
- 40 (11) Training of public guardians.
- 41 (12) Certification of public guardianship programs.
- 42 (13) Ethical and practice standards for public guardianship programs.

43 **SECTION 41.3.** The Institute on Aging shall submit a report of its findings
44 and recommendations to the North Carolina Study Commission on Aging, Department

1 of Health and Human Services, the Division of Aging and Adult Services, and the Fiscal
2 Research Division on or before October 1, 2009.

3
4 **PART XLII. THE DEPARTMENT OF ENVIRONMENT AND NATURAL**
5 **RESOURCES TO DEVELOP A PROPOSAL FOR A RECYCLING**
6 **PROGRAM FOR FLUORESCENT LAMPS (H.B. 838 – Harrison, Fisher)**

7
8 **SECTION 42.** The Division of Waste Management and the Division of
9 Pollution Prevention and Environmental Assistance of the Department of Environment
10 and Natural Resources shall jointly develop a proposal for a recycling program for
11 fluorescent lamps. The program will be developed so as to ensure that substantially all
12 of the mercury contained in fluorescent lamps will be recovered so as to facilitate a
13 phase-out of incandescent lamps without damage to public health and the environment
14 from the increased use of mercury lamps as replacements for fluorescent lamps. The
15 Department of Environment and Natural Resources shall report its findings and
16 recommendations, including legislative proposals and cost estimates, to the
17 Environmental Review Commission on or before March 1, 2008.

18
19 **PART XLIII. NORTH CAROLINA COURTS COMMISSION STUDY**
20 **EXCUSING PRIMARY CAREGIVERS FROM JURY DUTY (H.B. 1434 –**
21 **Owens)**

22
23 **SECTION 43.** The North Carolina Courts Commission shall study and
24 determine whether the interests of justice would be better served by providing
25 breast-feeding mothers, primary care providers of children, and persons responsible for
26 the primary care of sick or infirm individuals the option of a temporary excusal from
27 jury duty. The Commission shall report its findings and recommendations to the 2008
28 Regular Session of the 2007 General Assembly.

29
30 **PART XLIV. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**
31 **TO STUDY THE PROCEDURES OF LOCAL LAW ENFORCEMENT AND**
32 **HEALTH CARE FACILITIES WHEN PERSONS WITH DEMENTIA OR**
33 **OTHER COGNITIVE IMPAIRMENTS ARE REPORTED MISSING (H.B.**
34 **1459 – Parmon, Earle, Hurley, Weiss)**

35
36 **SECTION 44.1.** The Department of Crime Control and Public Safety shall
37 study the procedures of local law enforcement and health care facilities when persons
38 with dementia or other cognitive impairments are reported missing. The Department of
39 Crime Control and Public Safety shall consult with the Department of Health and
40 Human Services, Division of Aging and Adult Services, in conducting the study. The
41 study shall examine the following:

- 42 (1) The coordination of search efforts among local and statewide agencies.
43 (2) The search methods utilized when persons with dementia or other
44 cognitive impairments are reported missing.

1 **SECTION 44.2.** In response to the study authorized in this section, the
2 Department of Crime Control and Public Safety shall present findings and
3 recommendations, including any proposed statutory changes, to the North Carolina
4 Study Commission on Aging on or before March 1, 2008.

5
6 **PART XLV. DEPARTMENT OF CULTURAL RESOURCES STUDY**
7 **FEASIBILITY OF DESIGNATING THE NATHANIEL MACON HOUSE A**
8 **STATE HISTORIC SITE**

9
10 **SECTION 45.** The Department of Cultural Resources, in cooperation with
11 Warren County, shall study the feasibility of designating the Nathaniel Macon House as
12 a State Historic Site. The Department shall report the results of its study to the 2008
13 Regular Session of the 2007 General Assembly upon its convening.

14
15 **PART XLVI. WILDLIFE RESOURCES COMMISSION TO STUDY**
16 **MANDATORY BOATING SAFETY EDUCATION (H.B. 1585 – Wray)**

17
18 **SECTION 46.1.** The Wildlife Resources Commission shall study the
19 feasibility of implementing mandatory boating education in this State. In conducting its
20 study, the Commission shall evaluate the feasibility of requiring all persons to satisfy
21 boating education requirements prior to operating a motorboat or personal watercraft.

22 **SECTION 46.2.** The Wildlife Resources Commission shall report its
23 findings and recommendations to the 2008 session of the 2007.

24
25 **PART XLVII. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH**
26 **CAROLINA STUDY THE ACCESSIBILITY OF ITS FACILITIES TO**
27 **SEVERELY PHYSICALLY DISABLED INDIVIDUALS SEEKING BASIC**
28 **ACCESS TO HIGHER EDUCATION WITHIN THE STATE UNIVERSITY**
29 **SYSTEM (H.B. 1641 – Bryant, T. Harrell, Harrison, Luebke)**

30
31 **SECTION 47.1.** The Board of Governors of The University of North
32 Carolina shall study the accessibility of its facilities to severely physically disabled
33 individuals seeking basic access to higher education at constituent institutions within the
34 State University System. In its study, the Board of Governors may consider all of the
35 following:

- 36 (1) What specific educational assistance the State has funded that would
37 be available to severely physically disabled individuals.
38 (2) What specific educational assistance the State currently funds that
39 would be available to severely physically disabled individuals.
40 (3) The role of the Division of Vocational Rehabilitation of the
41 Department of Health and Human Services in providing educational
42 assistance at public and private universities or secondary schools that
43 was, or currently is, available to severely physically disabled
44 individuals.

- 1 (4) Whether the Division of Vocational Rehabilitation of the Department
2 of Health and Human Services could provide for the personal care of
3 severely physically disabled students at one or more constituent
4 institutions within the State University System.
- 5 (5) The desirability and feasibility of making the facilities of one
6 constituent institution accessible to severely physically disabled
7 students.
- 8 (6) The estimated costs of making the facilities of one constituent
9 institution accessible to severely physically disabled students and
10 providing for the personal care of severely physically disabled students
11 at this institution.
- 12 (7) Whether the Illinois program to support its physically disabled
13 population at its state universities offers any guidance to North
14 Carolina.
- 15 (8) Any other issues the Board of Governors deems pertinent to its study
16 under this section.

17 **SECTION 47.2.** No later than May 1, 2008, the Board of Governors of The
18 University of North Carolina shall submit a report of its study to the Fiscal Research
19 Division and to the Joint Legislative Education Oversight Committee, including its
20 findings, recommendations, and any legislative proposals.

21
22 **PART XLVIII. DIVISION OF MOTOR VEHICLES TO STUDY METHODS TO**
23 **ENSURE THE LAWFUL USE OF HANDICAPPED PLACARDS, AND THE**
24 **PENALTY FOR VIOLATION OF THE HANDICAPPED PARKING LAWS**
25 **OF THE STATE (H.B. 1657 – Dollar)**
26

27 **SECTION 48.** The Division of Motor Vehicles of the Department of
28 Transportation shall study methods to better ensure that handicapped placards are
29 properly used only by those persons entitled to use them. As a part of its study, the
30 Division shall study ways to make the expiration date of handicapped placards more
31 visible, in order to assist law enforcement personnel in enforcing the handicapped
32 placard law. In addition, the Division shall study the penalty for violations of the
33 handicapped parking law. The Division shall submit the results of its study, including
34 any recommended legislation, to the Joint Legislative Transportation Oversight
35 Committee on or before December 1, 2007.

36
37 **PART XLIX. NORTH CAROLINA SENTENCING AND POLICY ADVISORY**
38 **COMMISSION STUDY THE MOST APPROPRIATE PENALTIES FOR**
39 **LEGISLATION MAKING TORTURE, ENFORCED DISAPPEARANCE,**
40 **AND RELATED ACTS UNLAWFUL IN NORTH CAROLINA,**
41 **RECOGNIZING THE SEVERITY OF THESE CRIMES WHILE MAKING**
42 **THE SENTENCING CONSISTENT WITH SENTENCES IMPOSED FOR**
43 **RELATED CRIMES SUCH AS KIDNAPPING (H.B. 1682 – Jones, Luebke,**
44 **Coleman Harrison)**

1
2 **SECTION 49.1.** The North Carolina Sentencing and Policy Advisory
3 Commission shall study the most appropriate penalties for legislation making torture,
4 enforced disappearance, and related acts crimes in North Carolina, recognizing the
5 severity of these crimes while providing for sentencing that is consistent with the
6 sentences imposed for related crimes such as kidnapping.

7 **SECTION 49.2.** The Sentencing Commission shall report its findings and
8 recommendations to the General Assembly, including recommended language for a bill
9 to be introduced in the 2008 Regular Session of the 2007 General Assembly. The report
10 and recommendations shall be delivered to the Speaker of the House of Representatives
11 and the President Pro Tempore of the Senate not later than January 31, 2008. The report
12 and recommendations may be included in the report to the General Assembly required
13 by G.S. 164-36(a), provided the report and recommendations required by this act are
14 delivered no later than January 31, 2008.

15
16 **PART L. DEPARTMENT OF JUSTICE IN CONSULTATION WITH THE**
17 **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES STUDY**
18 **THE USE OF INHIBITORS IN METHAMPHETAMINE PRODUCTION**
19 **(H.B. 1703 – Love)**

20
21 **SECTION 50.** The Department of Justice in consultation with the
22 Department of Agriculture shall study the possibility of establishing voluntary
23 methamphetamine inhibitor programs in North Carolina. As part of the study, the
24 Department shall consider the research that is being done on this issue nationwide and
25 the effectiveness and cost of programs that have been set up by other states and at the
26 federal level regarding the use of methamphetamine inhibitors. The Department of
27 Justice shall report its findings and recommendations to the Joint Legislative
28 Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the Fiscal
29 Research Division by March 1, 2008.

30
31 **PART LI. STATE AUDITOR TO STUDY THE COSTS RELATING TO THE**
32 **ADMINISTRATION OF CAPITAL PUNISHMENT AND THE SAVINGS**
33 **FROM REPEAL (H.B. 1728 – Insko, Fisher)**

34
35 **SECTION 51.** The State Auditor shall assess the costs to the State
36 associated with the administration of the capital punishment statute and the savings that
37 could be achieved if the statute were to be repealed and shall report to the General
38 Assembly on this issue by March 1, 2008.

39
40 **PART LII. ADMINISTRATIVE OFFICE OF THE COURTS AND THE STATE**
41 **JUDICIAL COUNCIL STUDY HOW TO MAKE THE PROCEDURE OF**
42 **PETITIONING FOR AN EXPUNCTION UNDER G.S. 15A-146 MORE**
43 **EASILY UNDERSTOOD AND AVAILABLE TO THE PUBLIC (H.B. 1787 –**
44 **Adams, Jones, Glazier, Johnson)**

1
2 **SECTION 52. THE ADMINISTRATIVE OFFICE OF THE COURTS AND THE**
3 **STATE JUDICIAL COUNCIL SHALL STUDY HOW TO MAKE THE**
4 **PROCEDURE OF PETITIONING FOR AN EXPUNCTION UNDER**
5 **G.S. 15A-146 MORE EASILY UNDERSTOOD AND AVAILABLE TO THE**
6 **PUBLIC AND SHALL REPORT THEIR FINDINGS TO THE CHIEF**
7 **JUSTICE BY DECEMBER 1, 2007.**
8

9 **PART LIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES,**
10 **ADMINISTRATIVE OFFICE OF THE COURTS, DEPARTMENT OF**
11 **CRIME CONTROL AND PUBLIC SAFETY, AND STATE BUREAU OF**
12 **INVESTIGATION TO JOINTLY STUDY DEVELOPING A DATA BASE**
13 **FOR INFORMATION PERTAINING TO INDIVIDUALS ADJUDICATED**
14 **MENTALLY INCOMPETENT OR INVOLUNTARY COMMITTED**
15 **(Harrison)**
16

17 **SECTION 53.1** The Secretary of the Department of Health and Human
18 Services, the Director of the Administrative Office of the Courts, the Secretary of Crime
19 Control and Public Safety, and the Director of the State Bureau of Investigation, shall
20 study the desirability and feasibility of developing a system of electronic records that
21 contain identifying information regarding those individuals who have been adjudicated
22 mentally incompetent or involuntarily committed to any mental institution.

23 **SECTION 53.2** The Secretary of the Department of Health and Human
24 Services, the Director of the Administrative Office of the Courts, the Secretary of Crime
25 Control and Public Safety, and the Director of the State Bureau of Investigation shall
26 make a final report to the 2008 Regular Session of the 2007 General Assembly upon its
27 convening.
28

29 **PART LIV. DIVISION OF FOREST RESOURCES OF THE DEPARTMENT OF**
30 **ENVIRONMENT AND NATURAL RESOURCES STUDY AND DEVELOP**
31 **CRITERIA CONCERNING BURNING BANS (Rep. Justice)**
32

33 **SECTION 54.1.** The Division of Forest Resources of the Department of
34 Environment and Natural Resources, in consultation with the North Carolina
35 Association of County Commissioners, shall study and develop criteria to be used in the
36 issuance of burning bans in the State.

37 **SECTION 54.2.** The Division of Forest Resources shall report its findings
38 and recommendations to the General Assembly on or before March 1, 2008.
39

40 **PART LV. DEPARTMENT OF CORRECTION STUDY SAFETY OF INMATE**
41 **ROAD CREWS**
42

43 **SECTION 55.** The Department of Correction, in consultation with the
44 Department of Transportation, the Department of Crime Control and Public Safety and

1 the Department of Labor, shall study the issues related to the safety of inmate crews
2 working on North Carolina highways and roadsides under the supervision of the
3 Department of Correction and the Department of Transportation. The study shall
4 include:

5 (a) A description of the types of works and projects performed by inmates on
6 North Carolina highways and roadsides.

7 (b) A report on the number and types of accidents involving inmate crews in the
8 past two years.

9 (c) A description of current policy, procedure, equipment and training related to
10 the safety of inmate crews.

11 (d) Recommendations for additional procedural safeguards that may enhance the
12 safety of inmate crews.

13 (e) The cost of implementing additional procedural safeguards for inmate work
14 crews.

15 (f) The practices followed by other states in the use of inmate crews on highways
16 and roadsides.

17 The Department of Correction, Department of Transportation and Department
18 of Crime Control and Public Safety shall jointly report the results of this study to the
19 Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee
20 and to the Joint Legislative Transportation Oversight Committee by April 1, 2008.

21
22 **PART LVI. NORTH CAROLINA UTILITIES COMMISSION CONSIDER**
23 **HEALTH AND ENVIRONMENTAL IMPACTS IN REACHING LEAST**
24 **COST DETERMINATION IN ELECTRICITY GENERATION (Harrison)**

25
26 **SECTION 56.** The North Carolina Utilities Commission may study and
27 report to the General Assembly on the health and environmental impacts in reaching
28 least cost determination in electricity generation.

29
30 **PART LVII. AUTOMOBILE INSURANCE MODERNIZATION STUDY**
31 **COMMISSION (Rand; S.B. 928 – Garrou)**

32
33 **SECTION 57.1.** There is created the Automobile Insurance Modernization
34 Study Commission. The Commission shall consist of 18 members as follows:

35 (1) Six members of the House of Representatives appointed by the
36 Speaker of the House.

37 (2) Six members of the Senate appointed by the President Pro Tempore of
38 the Senate.

39 (3) The Commissioner of Insurance or his designee.

40 (4) One representative of the automobile insurance industry, appointed by
41 the Speaker of the House.

42 (5) One representative of the automobile insurance industry, appointed by
43 the President Pro Tempore of the Senate.

44 (6) The Commissioner of Motor Vehicles or his designee.

1 (7) One District Attorney, appointed by the Speaker of the House.

2 (8) One trial attorney who regularly handles motor vehicle offenses,
3 appointed by the President Pro Tempore of the Senate.

4 **SECTION 57.2.** The Commission shall study issues related to the method
5 and manner of establishing automobile insurance rates in North Carolina, to ensure
6 consumers are receiving the fullest possible benefit from marketplace competition
7 among insurers on pricing and coverage options.

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

13 The Commission may study the issue of whether continuous financial
14 responsibility should be a requirement for maintaining a valid North Carolina drivers
15 license, as it is required under Article 9A of Chapter 20 of the General Statutes to
16 maintain a valid motor vehicle registration, for the purpose of diminishing the incidents
17 of crashes involving uninsured motorists. If the Commission studies this issue, it shall
18 consider what liability insurance requirements would be appropriate, if any, if a
19 requirement for liability insurance should be limited to individuals applying for or
20 holding provisional licenses pursuant to G.S. 20-11 or for those individuals previously
21 convicted of certain motor vehicle offenses, and the relevant financial responsibility and
22 uninsured-motorist reduction efforts of other states.

23 **SECTION 57.3.** The Speaker of the House of Representatives and the
24 President Pro Tempore of the Senate shall each appoint a cochair for the Commission.
25 The Commission may contract for consultant services as provided by G.S. 120-32.02.

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

40 **SECTION 57.4.** The Commission may submit an interim report to the 2008
41 Session of the 2007 General Assembly and shall submit a final report, including all
42 recommended legislation, to the 2009 General Assembly. The Commission shall
43 terminate upon filing its final report or upon the convening of the 2009 General
44 Assembly, whichever is earlier.

1 **SECTION 57.5.** From the funds available to the General Assembly, the
2 Legislative Services Commission may allocate monies to fund the work of the
3 Commission.

4
5 **PART LVIII. JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC**
6 **SCHOOL FUNDING FORMULAS (H.B. 1391 – Rapp, McLawhorn, Glazier)**
7

8 **SECTION 58.1.** There is created the Joint Legislative Study Committee on
9 Public School Funding Formulas. The Committee shall consist of 10 members of the
10 House of Representatives appointed by the Speaker of the House of Representatives
11 and 10 members of the Senate appointed by the President Pro Tempore of the Senate.
12 The Speaker of the House of Representatives shall appoint a cochair, and the President
13 Pro Tempore of the Senate shall appoint a cochair for the Committee.

14 The Committee, while in the discharge of its official duties, may exercise all
15 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
16 Committee may contract for professional, clerical, or consultant services as provided by
17 G.S. 120-32.02. Members of the Commission shall receive per diem, subsistence, and
18 travel allowances at the rate established in G.S. 120 3.1, 138 5, or 138 6, as appropriate.

19 Subject to the approval of the Legislative Services Commission, the
20 Committee may meet in the Legislative Building or the Legislative Office Building. The
21 Legislative Services Commission, through the Legislative Services Officer, shall assign
22 professional staff to assist the Committee in its work. The House of Representatives'
23 and the Senate's Directors of Legislative Assistants shall assign clerical support staff to
24 the Committee, and the expenses relating to the clerical employees shall be borne by the
25 Committee.

26 **SECTION 58.2.** The Committee shall perform an extensive study of all
27 public school funding formulas and distributions, including, but not limited to:

- 28 (1) School Capital Fund.
- 29 (2) Lottery School Construction Formula.
- 30 (3) Children with Disabilities.
- 31 (4) Limited English Proficiency.
- 32 (5) At-Risk Student Services/Alternative Schools.
- 33 (6) Improving Student Accountability.
- 34 (7) Disadvantaged Students Supplemental.
- 35 (8) Low-Wealth Counties Supplemental Funding.
- 36 (9) Small County Supplemental Funding.
- 37 (10) Transportation of Pupils.
- 38 (11) Academically or Intellectually Gifted.
- 39 (12) Number of school systems funded per county.

40 **SECTION 58.3.** The Committee shall also study the State Board of
41 Education's model for projecting average daily membership and focus particularly on
42 how well the model projects average daily membership in rapidly growing local school
43 administrative units with a highly mobile population.

1 **SECTION 58.4.** The Committee shall submit a report of its findings and
2 recommendations, including any legislative recommendations, to the 2008 Regular
3 Session of the 2007 General Assembly. The Committee shall terminate upon filing its
4 report.

5 **SECTION 58.5.** From funds available to the General Assembly, the
6 Committee may use up to one million dollars (\$1,000,000) to conduct this study, subject
7 to the approval of the Legislative Services Commission chairs.

8 **SECTION 58.6.** In preparation of the Committee's work, the chairs of the
9 Legislative Services Commission may hire consultants prior to the first meeting of the
10 Committee.

11
12 **PART LIX. CONTINUE THE STUDY OF WATERFRONT ACCESS ISSUES**
13 **(S.B. 646 – Albertson; H.B. 534 – Wainwright)**

14
15 **SECTION 59.** Section 45.5 of S.L. 2006-248 reads as rewritten:

16 **"SECTION 45.5.** The Committee may submit an interim report of its study to the
17 Joint Legislative Commission on Seafood and Aquaculture, the Marine Fisheries
18 Commission, and the Coastal Resources Commission no later than January 15, 2007.
19 The Committee shall submit a ~~final~~ report of the results of its study, including any
20 legislative recommendations, to the Joint Legislative Commission on Seafood and
21 Aquaculture, the Marine Fisheries Commission, and the Coastal Resources Commission
22 no later than April 15, 2007. The Committee shall terminate ~~on April 15, 2007, or upon~~
23 ~~the filing of its final report, whichever occurs first.~~report."

24
25 **PART LX. EXTEND THE JOINT LEGISLATIVE GROWTH STRATEGIES**
26 **OVERSIGHT COMMISSION (S.B. 1138 – Clodfelter)**

27
28 **SECTION 60.1.** Section 3.3 of S.L. 2001-491, as amended by Section 3.2 of
29 S.L. 2004-161 and Section 9.2 of S.L. 2006-248, reads as rewritten:

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

34 **SECTION 60.2.** This act revives Article 12N of Chapter 120 of the General
35 Statutes.

36 **SECTION 60.3.** G.S. 120-70.120, as revived by this act, reads as rewritten:
37 **"§ 120-70.120. Creation and membership of Joint Legislative Growth Strategies**
38 **Oversight Committee.**

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

- 41 (1) Six members of the Senate appointed by the President Pro Tempore of
42 the Senate; and
43 (2) Six members of the House of Representatives appointed by the
44 Speaker of the House of Representatives.

1 ~~Terms on the Committee are for two years and begin on the convening of the~~
2 ~~General Assembly in each odd-numbered year, except the terms of the initial members,~~
3 ~~which begin on appointment and end on the day of the convening of the 2003 General~~
4 ~~Assembly. Terms on the Committee begin on the date members are appointed and~~
5 ~~expire December 31, 2008. Members may complete a term of service on the Committee~~
6 ~~even if they do not seek reelection or are not reelected to the General Assembly, but~~
7 ~~resignation or removal from service in the General Assembly constitutes resignation or~~
8 ~~removal from service on the Committee.~~

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

11 **SECTION 60.4.** The Joint Legislative Growth Strategies Oversight
12 Committee may meet during the legislative session or in the interim.

13
14 **PART LXI. ESTABLISH THE NORTH CAROLINA STUDY COMMISSION ON**
15 **JUVENILE JUSTICE AND DELINQUENCY PREVENTION (Kinnaird; H.B.**
16 **1686 –Bordsen, Bryant)**

17
18 **SECTION 61.** Chapter 120 of the General Statutes is amended by adding a
19 new Article to read:

20 "Article 32.

21 "The North Carolina Study Commission on Juvenile Justice and Delinquency
22 Prevention.

23 **"§ 120-280. Creation and purpose of the North Carolina Study Commission on**
24 **Juvenile Justice and Delinquency Prevention.**

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

30 **"§ 120-281. Commission duties.**

31 The North Carolina Study Commission on Juvenile Justice and Delinquency
32 Prevention shall:

- 33 (1) Study the needs of juveniles who have been adjudicated undisciplined
34 or delinquent or who are at risk of becoming undisciplined or
35 delinquent, including review of data on the proportion of
36 African-Americans and other racial and ethnic minorities in the
37 juvenile justice system, and including the racial and ethnic minorities
38 who are adjudicated and placed in the custody of the Department of
39 Juvenile Justice and Delinquency Prevention. If study of the data finds
40 a disproportionate participation of African-Americans or other racial
41 or ethnic minorities in the juvenile justice system, the Commission
42 shall study, evaluate, and recommend actions to eliminate the
43 disproportionate participation of those minorities in the juvenile justice

1 system. The Commission shall track corrective actions or measures
2 adopted pursuant to recommendation of the Commission.

3 (2) Evaluate State and local programs that provide prevention and
4 rehabilitation services to juveniles who have been adjudicated
5 undisciplined or delinquent or who are at risk of becoming
6 undisciplined or delinquent.

7 (3) Review the diversion programs within the Department of Juvenile
8 Justice and Delinquency Prevention.

9 (4) Evaluate and recommend changes to the education system within the
10 juvenile facilities.

11 (5) Review data on juveniles who have been adjudicated delinquent or
12 undisciplined or who are at risk of becoming delinquent or
13 undisciplined, which may be used to facilitate both short- and
14 long-range planning for services for those juveniles, including for the
15 delivery of services.

16 (6) Review the use of funds awarded as grants by the State and local
17 Juvenile Crime Prevention Councils.

18 (7) Study, evaluate, and recommend changes to the North Carolina
19 General Statutes relating to juvenile justice.

20 (8) Study, evaluate, and recommend action regarding reports received by
21 the Commission.

22 (9) Study, evaluate, and recommend any changes proposed for future
23 development of the juvenile justice system of the State.

24 (10) Study, review, and evaluate any other issue regarding the juvenile
25 justice system of the State.

26 **"§ 120-282. Commission membership; terms; vacancies.**

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

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

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

34 a. Five persons who are members of the Senate at the time of their
35 appointment.

36 b. One chief juvenile court counselor.

37 c. One juvenile defense attorney.

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

40 e. One youth counselor employed by the Department of Juvenile
41 Justice and Delinquency Prevention at a youth development
42 center.

43 (3) Nine members appointed by the Speaker of the House of
44 Representatives as follows:

- a. Five persons who are members of the House of Representatives at the time of their appointment.
- b. One mental health professional with experience working with juveniles.
- c. One district attorney or assistant district attorney with experience in juvenile court.
- d. One district court judge who administers juvenile court.
- e. One member of a local law enforcement agency.

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

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

"§ 120-283. Commission meetings.

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

"§ 120-284. Member reimbursement.

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

"§ 120-285. Public hearings.

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

"§ 120-286. Assistance from other agencies.

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

1 **"§ 120-287. Commission subcommittees.**

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

8 **"§ 120-288. Commission reports.**

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

12 **"§ 120-289. Commission staff and meeting place.**

13 The Commission may contract for clerical or professional staff or for any other
14 services it may require in the course of its ongoing study. At the request of the
15 Commission, the Legislative Services Commission may supply members of the staff of
16 the Legislative Services Office and clerical assistance to the Commission as the
17 Legislative Services Commission considers appropriate.

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

20
21 **PART LXII. ABOLISH STATE ADVISORY COUNCIL ON JUVENILE**
22 **JUSTICE AND DELINQUENCY PREVENTION**

23
24 **SECTION 62.1.** Part 7 of Article 12 of Chapter 143B of the General
25 Statutes, G.S. 143B-556 and G.S. 143B-557, is repealed. G.S. 143B-515(20) is
26 repealed.

27 **SECTION 62.2.** G.S. 143B-516(f) reads as rewritten:

28 "(f) The Department shall develop a cost-benefit model for each State-funded
29 program. Program commitment and recidivism rates shall be components of the model.
30 ~~In developing the model, the Department shall consider the recommendations of the~~
31 ~~State Advisory Council on Juvenile Justice and Delinquency Prevention."~~

32
33 **PART LXIII. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY**
34 **EVIDENCE-BASED HEALTH PROMOTION AND DISEASE PREVENTION**
35 **(Queen)**

36
37 **SECTION 63.1.** The North Carolina Institute of Medicine is requested to
38 study evidence-based health promotion and disease prevention interventions that will
39 improve the health of North Carolinians and lower the cost of health care to individuals
40 and the health care system.

41 **SECTION 63.2.** If the study is convened, it should focus on the following
42 topic areas:

- 43 (1) Preventing/reducing chronic diseases, morbidity, and premature
44 mortality. This would include a focus on reducing risk factors such as

1 obesity and tobacco use, and increasing protective factors such as
2 healthy diets and physical activity. This would also include improving
3 birth outcomes and other efforts to prevent premature morbidity or
4 mortality.

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

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

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

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

22 **SECTION 63.3.** If the study is convened, it may meet over the course of two
23 years to develop a prevention plan. The goal of the study would be to examine the four
24 broad topic areas and prioritize strategies across these areas to improve overall
25 population health. In developing the statewide plan, the study should consider different
26 options to improve population health, including promoting healthy lifestyles, changing
27 public and health policies, improving community and environment, and improving
28 preventive clinical care.

29 **SECTION 63.4.** If the study is convened, the Institute of Medicine shall
30 submit an interim report to the 2007 General Assembly, Regular Session 2008, and to
31 the Chairs of the House of Representatives Appropriations Committee, the Senate
32 Appropriations Committee, the Fiscal Research Division, and the Governor. The final
33 report shall be submitted no later than the convening of the 2009 General Assembly.

34
35 **PART LXIV. ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION**
36 **ON STATE GUARDIANSHIP LAWS (H.B. 250 – Bordsen, Clary)**
37

38 **SECTION 64.1.** There is created the Joint Legislative Study Commission on
39 State Guardianship Laws. The purpose of the Commission is to review State law
40 pertaining to guardianship and its relationship to other pertinent State laws such as the
41 health care power of attorney, the right to a natural death, and durable power of
42 attorney.

43 **SECTION 64.2.** The Commission shall consist of 19 members as follows:

- 1 (1) Four members of the House of Representatives appointed by the
2 Speaker of the House of Representatives.
- 3 (2) Four members of the Senate appointed by the President Pro Tempore
4 of the Senate.
- 5 (3) The Director of the Administrative Office of the Courts, or the
6 Director's designee.
- 7 (4) The Director of the Division of Aging and Adult Services in the
8 Department of Health and Human Services, or the Director's designee.
- 9 (5) A county director of social services appointed by the President Pro
10 Tempore of the Senate.
- 11 (6) A clerk of superior court appointed by the Speaker of the House of
12 Representatives.
- 13 (7) A physician who specializes in geriatrics appointed by the President
14 Pro Tempore of the Senate.
- 15 (8) An attorney who has experience in guardianship matters appointed by
16 the Speaker of the House of Representatives.
- 17 (9) A representative of the Governor's Advocacy Council for Persons
18 With Disabilities.
- 19 (10) A director of a local management entity appointed by the President Pro
20 Tempore of the Senate.
- 21 (11) A representative of the Mental Health Association in North Carolina
22 appointed by the Speaker of the House of Representatives.
- 23 (12) A member of an aging advocacy support group appointed by the
24 President Pro Tempore of the Senate.
- 25 (13) A county director of public health appointed by the Speaker of the
26 House of Representatives.

27 In addition, representatives designated by the following organizations shall
28 serve as ex-officio, nonvoting members of the Commission:

- 29 (1) The North Carolina Bar Association.
- 30 (2) The Arc of North Carolina.
- 31 (3) North Carolina Guardianship Association.
- 32 (4) Alzheimer's Association – Western Chapter.
- 33 (5) Alzheimer's Association – Eastern Chapter.
- 34 (6) Carolina Legal Assistance.
- 35 (7) The Area Agencies on Aging.
- 36 (8) County Departments of Aging.
- 37 (9) A county director of mental health, developmental disabilities, and
38 substance abuse services.

39 The Speaker of the House of Representatives shall designate one
40 Representative as cochair, and the President Pro Tempore of the Senate shall designate
41 one Senator as cochair. Vacancies on the Commission shall be filled by the same
42 appointing authority who made the initial appointment. The Commission shall expire
43 upon delivering its final report.

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

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

14 **SECTION 64.3.** In conducting the study, the Commission shall consider
15 issues related to guardianship for incompetent persons and minors including, but not
16 limited to, the following:

- 17 (1) Whether guardianship should be a remedy of last resort used only if
18 less restrictive alternatives are insufficient.
- 19 (2) The definition of incompetency or, if appropriate, incapacity.
- 20 (3) Whether courts should be required to make express findings regarding
21 the extent of a person's incapacity and limit the scope of the
22 guardianship accordingly.
- 23 (4) Legal rights retained or lost as a result of being adjudicated
24 incompetent.
- 25 (5) The role of public human services agencies in providing guardianship
26 services.
- 27 (6) Legal procedures and protections in guardianship proceedings.
- 28 (7) Public monitoring of guardianship.
- 29 (8) Examination of current training resources and the possible
30 collaboration and coordination of current training resources for all
31 stakeholders including family members, individuals, corporate
32 guardians, and public agencies.
- 33 (9) Certification of all guardians and adoption of standards of practice for
34 guardians.
- 35 (10) Educating citizens with respect to guardianship and alternatives to
36 guardianship.
- 37 (11) Powers, duties, and liabilities of guardians, including guardians of the
38 person.
- 39 (12) Creation of an Office of Public Guardian.
- 40 (13) Public guardianship, including the provision and funding of public
41 guardianship services, treatment of disinterested public agent
42 guardians, priorities regarding appointment of individuals,
43 corporations, and public guardians, and possible conflicts of interest
44 with the appointment of certain disinterested public agent guardians.

- 1 (14) Funding for guardianship services provided by nonprofit agencies
2 including the need of current corporate guardians for additional
3 resources in providing services to wards.
- 4 (15) Implementation of additional corporate guardianship programs.
- 5 (16) Enactment of the Uniform Guardianship and Protective Proceedings
6 Act (UGPPA) or similar revision of current Chapter 35A of the
7 General Statutes.
- 8 (17) Jurisdictional provisions governing incompetency and guardianship
9 proceedings and portability of guardianship for foreign guardians.
- 10 (18) Role of court-appointed lawyers and guardians ad litem in
11 guardianship proceedings to ensure adequate representation of
12 respondents.
- 13 (19) Whether guardianship statutes need revision to provide greater
14 protection of the health and welfare of incapacitated adults.
- 15 (20) Whether the State should track the number of people under private
16 guardianship and, if so, proposed methods for the tracking.
- 17 (21) Prudent investor rules.
- 18 (22) Review of the State's adult protective services law.

19 **SECTION 64.4.** The Legislative Study Commission on State Guardianship
20 Laws may make an interim report to the 2007 General Assembly not later than the
21 convening of the 2008 General Assembly, and shall make its final report to the 2009
22 General Assembly, Regular Session 2009, upon its convening. The Commission shall
23 terminate upon filing its final report or upon the convening of the 2009 General
24 Assembly, whichever is earlier.

25 **SECTION 64.5.** All State departments and agencies and local governments
26 and their subdivisions shall furnish the Commission with any information in their
27 possession or available to them that is needed by the Commission to conduct its study.

28 **SECTION 64.6.** From the funds available to the General Assembly, the
29 Legislative Services Commission may allocate monies to fund the work of the
30 Commission.

31

32 **PART LXV. ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE**
33 **ON COMPLEMENTARY AND ALTERNATIVE FORMS OF MEDICINE**
34 **(H.B. 451 –Parmon, Farmer-Butterfield, Fisher, Bell)**
35

36 **SECTION 65.1.** There is created the Joint Legislative Study Committee on
37 Complementary and Alternative Forms of Medicine in North Carolina. The Committee
38 shall consist of 12 members. The Speaker of the House of Representatives shall appoint
39 six members, and the President Pro Tempore of the Senate shall appoint six members.

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

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

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

13 **SECTION 65.2.** The Committee shall consider and report on:

- 14 (1) Types of complementary and alternative health care services currently
15 being offered and used in North Carolina.
- 16 (2) Ways to remove current restrictions and facilitate access of consumers
17 to complementary and alternative health care practitioners who are
18 providing health care services not currently covered by existing
19 medical licensing laws.
- 20 (3) The impact of Health Freedom legislation in other states including
21 Oklahoma, Minnesota, Rhode Island, California, and Idaho.
- 22 (4) The need to safeguard public health and safety by requiring mandatory
23 licensure of all persons who engage in the practice of complementary
24 and alternative health care services to ensure minimum standards of
25 competence, a minimum level of education, and experience.
- 26 (5) Any other matter that the Committee deems appropriate or necessary
27 to provide proper information to the General Assembly on the subject
28 of the study.

29 **SECTION 65.3** The Committee may make an interim report to the 2007
30 General Assembly, Regular Session 2008, and shall make its final report to the 2009
31 General Assembly upon its convening. The Commission shall terminate upon filing its
32 final report or upon the convening of the 2009 General Assembly, whichever is earlier.
33

34 **PART LXVI. ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE**
35 **ON HIGH SCHOOL GRADUATION AND DROPOUT RATES (H.B. 452 –**
36 **Parmon, Wright, Fisher, Bell)**
37

38 **SECTION 66.1.** There is created the Joint Legislative Study Committee on
39 High School Graduation and Dropout Rates. The Committee shall consist of 16
40 members. The Speaker of the House of Representatives shall appoint eight members,
41 and the President Pro Tempore of the Senate shall appoint eight members.

42 The Speaker of the House of Representatives shall appoint a cochair, and the
43 President Pro Tempore of the Senate shall appoint a cochair for the Committee. The
44 Committee may meet at any time upon the joint call of the cochairs. Vacancies on the

1 Committee shall be filled by the same appointing authority as made the initial
2 appointment.

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

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

15 **SECTION 66.2.** The Committee shall study the need to raise the compulsory
16 school attendance age, methods for increasing the high school cohort graduation rate,
17 and methods for lowering the dropout rate. In connection with this study, the Committee
18 may consider and report on:

- 19 (1) The impact of dropping out on students.
- 20 (2) The capacity of a 16-year-old to understand the social and economic
21 consequences of dropping out of school.
- 22 (3) The emergence of major high school reform efforts, including Learn
23 and Earn Programs, the New Schools Project, and 21st Century
24 Schools, and the impact they may have on keeping teenagers in school
25 longer.
- 26 (4) The importance to the entire State of every student leaving high school
27 prepared to enter the workforce or succeed in higher education.
- 28 (5) Research on factors related to students' success or lack of success in
29 schools.
- 30 (6) Strategies, programs, and support services that should be provided to
31 enable students to graduate from high school if the compulsory school
32 attendance age is raised, and time lines for implementing those
33 strategies, programs, and support services.
- 34 (7) Related laws and policies that must be addressed to ensure the
35 availability of support services for students.
- 36 (8) The fiscal impact of raising the compulsory attendance age.
- 37 (9) Possible exemptions from the compulsory attendance law for certain
38 students, including those students who fulfill their graduation
39 requirements early and receive a diploma, complete an alternative
40 education program, or whose parents consent to their leaving school
41 before they graduate or reach the maximum compulsory school
42 attendance age.

- 1 (10) The potential fiscal impact of raising the compulsory school
2 attendance age on the Department of Juvenile Justice and Delinquency
3 Prevention and the Department of Correction.
- 4 (11) The compulsory attendance law in other states and the experiences of
5 other states that have raised the compulsory school attendance age.
- 6 (12) Input from school personnel and from dropouts and students at risk of
7 dropping out.
- 8 (13) Any changes that are needed to the definition of a dropout and any
9 changes in data collection to ensure consistency and accuracy in
10 reporting the dropout rate.
- 11 (14) Proven strategies and early intervention programs that can be
12 implemented to prevent at-risk youth from dropping out, especially in
13 the middle grades.
- 14 (15) Data on the number and demographics of students who drop out before
15 the ninth grade.
- 16 (16) The importance of requiring every student to meet with a professional
17 counselor for an exit interview to find out why students are dropping
18 out.
- 19 (17) The importance of making sure that at-risk students are counseled
20 about all of the support services, including alternative schools and
21 extra assistance, that are available to help them meet their graduation
22 requirements.

23 **SECTION 66.3.** The Committee shall submit a report of its findings and
24 recommendations, including any legislative recommendations, to the 2008 Regular
25 Session of the 2007 General Assembly or to the 2009 General Assembly upon its
26 convening. The Commission shall terminate upon filing its final report or upon the
27 convening of the 2009 General Assembly, whichever is earlier.

28 **SECTION 66.4.** From the funds available to the General Assembly, the
29 Legislative Services Commission may allocate monies to fund the work of the
30 Committee.

31
32 **PART LXVII. CREATE THE JOINT LEGISLATIVE COMMISSION ON**
33 **EXPANDING RAIL SERVICE (H.B. 603 –Rapp, Pate, Dickson)**

34
35 **SECTION 67.1.** Commission Established. – There is established in the
36 General Assembly a Joint Legislative Commission on Expanding Rail Service. The
37 Commission shall be composed of 16 members as follows:

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

42 **SECTION 67.2** Duties of Commission. – The Commission shall study the
43 following matters related to expanding rail service in North Carolina:

- 1 (1) The cost and benefits of expanding and upgrading rail service in the
2 State, including the effect the expanded service would have on
3 economic development.
- 4 (2) The feasibility, cost, and benefits of establishing commuter rail service
5 in the State to transport workers to cities from outlying areas,
6 including the effect the commuter service would have on increasing
7 the economic opportunities of those who live in the outlying areas.
- 8 (3) The cost and benefits of expanding passenger rail service to the
9 western and eastern areas of the State, including the effect the
10 expanded service would have on tourism.
- 11 (4) Ways to preserve unused or abandoned rail corridors for future rail
12 needs.
- 13 (5) Tax incentives for rail improvements to spur economic growth through
14 further expansion and improvements of railroads, especially short
15 lines.
- 16 (6) The importance of rail service to military preparedness.
- 17 (7) The importance of rail service to the deepwater ports of the State.
- 18 (8) Rail service to and between the Global TransPark and military bases in
19 the State.
- 20 (9) Rail service as a part of a multimodal transportation system.

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

26 **SECTION 67.3.** Expenses of Members. – Members of the Commission shall
27 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
28 138-5, or 138-6, as appropriate.

29 **SECTION 67.4.** Staff. – Adequate staff shall be provided to the Commission
30 by the Legislative Services Office.

31 **SECTION 67.5.** Consultants. – The Commission may contract for
32 professional, clerical, or consultant services as provided by G.S. 120-32.02.

33 **SECTION 67.6.** Cooperation. – The Commission may call upon any
34 department, agency, institution, or officer of the State or any political subdivision
35 thereof for facilities, data, or other assistance.

36 **SECTION 67.7.** Meetings During Legislative Session. – The Commission
37 may meet during a regular or extra session of the General Assembly, subject to approval
38 of the Speaker of the House of Representatives and the President Pro Tempore of the
39 Senate.

40 **SECTION 67.8.** Meeting Location. – The Commission shall meet at various
41 locations around the State in order to promote greater public participation in its
42 deliberations. The Legislative Services Commission shall grant adequate meeting space
43 to the Commission in the State Legislative Building or the Legislative Office Building.

1 **SECTION 67.10** Report. – The Commission shall make a final report of its
2 findings and recommendations to the 2009 General Assembly. The Commission shall
3 terminate upon filing its final report or upon the convening of the 2009 General
4 Assembly, whichever is earlier.

5 **SECTION 67.11.** From the funds available to the General Assembly, the
6 Legislative Services Commission may allocate monies to fund the work of the
7 Commission.
8

9 **PART LXVIII. LEGISLATIVE STUDY COMMISSION ON RURAL INTERNET**
10 **ACCESS (H.B. 757 – Faison)**
11

12 **SECTION 68.1.** There is created the Legislative Study Commission on
13 Rural Internet Access. The Commission shall consist of 10 voting members appointed
14 as follows:

- 15 (1) Five members appointed by the Speaker of the House of
16 Representatives, to include:
17 a. Three members of the House of Representatives.
18 b. At least one person from the high-speed Internet industry or the
19 field of information technology.
20 (2) Five members appointed by the President Pro Tempore of the Senate,
21 to include:
22 a. Three members of the Senate.
23 b. At least one person from the high-speed Internet industry or the
24 field of information technology.

25 **SECTION 68.2.** The Commission shall include nonvoting, ex officio
26 members as follows:

- 27 (1) The State Chief Information Officer, or the officer's designee.
28 (2) The Secretary of Commerce, or the officer's designee.

29 **SECTION 68.3.** The Commission shall:

- 30 (1) Review and assess current efforts to provide citizens living in the rural
31 areas of the State with access to technological advancements in
32 telecommunications and information networks.
33 (2) Review the affordability and availability of high-speed Internet access
34 in rural areas of the State.
35 (3) Examine how State funds are being used currently to help bring
36 Internet access to rural areas of the State and determine whether there
37 are more cost-effective ways for the State to assist efforts to bring
38 high-speed Internet access to those areas.
39 (4) Study any other matter the Commission deems relevant.
40 (5) Make an interim report to the General Assembly by the convening of
41 the 2008 Regular Session.
42 (6) Make a final report to the 2009 General Assembly that includes
43 findings, recommendations, and legislative proposals relating to rural
44 Internet access in the State.

1 **SECTION 68.4.** The Speaker of the House of Representatives and the
2 President Pro Tempore of the Senate shall each appoint a cochair for the Commission.
3 The Commission may contract for consultant services as provided by G.S. 120-32.02.
4 Upon approval of the Legislative Services Commission, the Legislative Services Officer
5 shall assign professional and clerical staff to assist in the work of the Commission.
6 Clerical staff shall be furnished to the Commission through the offices of the House of
7 Representatives and the Senate Directors of Legislative Assistants. The Commission
8 may meet in the Legislative Building or the Legislative Office Building upon the
9 approval of the Legislative Services Commission. Members of the Commission shall
10 receive per diem, subsistence, and travel allowances at the rate established in
11 G.S. 120-3.1, 138-5, or 138-6, as appropriate.

12 The appointing authority shall fill vacancies. The Commission, while in the
13 discharge of its official duties, may exercise all the powers provided under the
14 provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all
15 officers, agents, agencies, and departments of the State to provide any information, data,
16 or documents within their possession, ascertainable from their records, or otherwise
17 available to them and the power to subpoena witnesses.

18 **SECTION 68.5.** The Commission shall terminate upon filing its final report
19 or upon the convening of the 2009 General Assembly, whichever is earlier.

20 **SECTION 68.6.** From the funds available to the General Assembly, the
21 Legislative Services Commission may allocate monies to fund the work of the
22 Commission.

23
24 **PART LXIX. Reserved**

25
26 **PART LXX. Reserved**

27
28 **PART LXXI. CREATE THE LEGISLATIVE STUDY COMMISSION ON**
29 **WINTER SPORTS RISK, SAFETY, AND LIABILITY OF PARTICIPANTS**
30 **AND OPERATORS (H.B. 1137 – Haire, Tarleton, Rapp)**
31

32 **SECTION 71.1.** There is established the Legislative Study Commission on
33 Winter Sports Risk, Safety, and Liability of Participants and Operators. The purpose of
34 the Commission is to review the appropriate allocation of responsibility and assumption
35 of risk between winter sports participants and winter sports facility operators.

36 The Commission shall consist of 12 members as follows:

37 (1) Six members appointed by the Speaker of the House of
38 Representatives.

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

40 **SECTION 71.2.** The Speaker of the House of Representatives shall
41 designate one Representative as cochair, and the President Pro Tempore of the Senate
42 shall designate one Senator as cochair. Vacancies on the Commission shall be filled by
43 the same appointing authority that made the initial appointment.

1 **SECTION 71.3.** The Commission, while in the discharge of its official
2 duties, may exercise all the powers provided under the provisions of Articles 5 and 5A
3 of Chapter 120 of the General Statutes. The Commission may meet at any time upon the
4 call of the cochairs. The Commission may meet in the Legislative Building or the
5 Legislative Office Building. The Commission may contract for professional, clerical, or
6 consultant services as provided by G.S. 120-32.02.

7 **SECTION 71.4.** The Legislative Services Commission, through the
8 Legislative Services Officer, shall assign professional staff to assist the Commission in
9 its work. The House of Representatives' and the Senate's Director of Legislative
10 Assistants shall assign clerical staff to the Commission, and the expenses relating to the
11 clerical employees shall be borne by the Commission. Members of the Commission
12 shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1,
13 138-5, or 138-6, as appropriate.

14 **SECTION 71.5.** The Commission may make an interim report to the 2008
15 Regular Session of the 2007 General Assembly and shall make its final report, including
16 any legislative proposals, by the convening of the 2009 General Assembly. The
17 Commission shall terminate upon filing its final report or upon the convening of the
18 2009 General Assembly, whichever is earlier.

19 **SECTION 71.6.** From the funds available to the General Assembly, the
20 Legislative Services Commission may allocate monies to fund the work of the
21 Commission.
22

23 **PART LXXII. CREATE THE AGRICULTURAL DISASTER RELIEF STUDY**
24 **COMMISSION TO STUDY THE DESIRABILITY AND THE FEASIBILITY**
25 **OF PROVIDING DISASTER RELIEF TO FARMERS (H.B. 1155 – Justus,**
26 **Rapp)**
27

28 **SECTION 72.1.** Commission Created. – The Agricultural Disaster Relief
29 Study Commission is created.

30 **SECTION 72.2** Membership. – The Commission shall consist of 12
31 members. The Commissioner of Agriculture, or the Commissioner's designee; the
32 Director of the Division of Emergency Management of the Department of Crime
33 Control and Public Safety, or the Director's designee, and, notwithstanding G.S. 128-1,
34 a representative of the United States Department of Agriculture shall serve as ex officio
35 members. The remaining members shall be appointed no later than October 1, 2007, as
36 follows:

- 37 (1) Three members of the House of Representatives, appointed by the
38 Speaker of the House of Representatives.
- 39 (2) Three members of the Senate, appointed by the President Pro Tempore
40 of the Senate.
- 41 (3) One farmer who has substantial experience as a Christmas tree grower
42 in North Carolina, appointed by the Speaker of the House of
43 Representatives.

1 (4) One agricultural grower who has substantial experience as a nursery
2 grower in North Carolina, appointed by the President Pro Tempore of
3 the Senate.

4 (5) One farmer who has substantial experience as an apple grower in
5 North Carolina, appointed by the Speaker of the House of
6 Representatives.

7 **SECTION 72.3.** Vacancies. – A vacancy in the Commission or as chair of
8 the Commission resulting from the resignation of a member or otherwise shall be filled
9 in the same manner in which the original appointment was made.

10 **SECTION 72.4.** Duties of Commission. – The Agricultural Disaster Relief
11 Study Commission shall study the desirability and feasibility of providing disaster relief
12 to North Carolina farmers. In particular, the Commission shall consider:

13 (1) The general subject of agricultural disaster relief.

14 (2) Previous disaster relief programs that have been specifically designed
15 to assist farmers or that benefited a larger group that included farmers.

16 (3) Whether any other states provide or have provided disaster relief to its
17 farmers.

18 (4) Any other issues the Commission considers to be pertinent to its study.

19 **SECTION 72.5.** Report. – The Commission may make an interim report to
20 the 2008 Regular Session of the 2007 General Assembly. Prior to the convening of the
21 2009 General Assembly, the Commission shall submit a final report of its findings and
22 recommendations, including legislative and funding recommendations, to the 2009
23 General Assembly. The Commission shall terminate upon filing its final report.

24 **SECTION 72.6.** Expenses of Members. – Members of the Commission shall
25 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
26 138-5, or 138-6, as appropriate.

27 **SECTION 72.7.** Chair; Meetings. – The President Pro Tempore of the
28 Senate and the Speaker of the House of Representatives shall each designate one
29 member to serve as cochair of the Commission. The cochairs shall call the initial
30 meeting of the Commission on or before October 15, 2007. The Commission shall
31 subsequently meet upon such notice and in such manner as its members determine. A
32 majority of the members of the Commission shall constitute a quorum. The Commission
33 may meet in the Legislative Building or the Legislative Office Building upon the
34 approval of the Legislative Services Commission.

35 **SECTION 72.8.** Staff. – Upon the prior approval of the Legislative Services
36 Commission, the Legislative Services Officer may assign professional and clerical staff
37 and other services and supplies, as needed for the Commission to carry out its duties in
38 an effective manner.

39 **SECTION 72.9.** Cooperation by Government Agencies. – The Commission
40 may call upon any department, agency, institution, or officer of the State or any political
41 subdivision thereof for data or other assistance.

42
43 **PART IXXIII. RESERVED**
44

1 **PART LXXIV. ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE**
2 **ON SCHOOL AND PUBLIC BUILDING SECURITY (H.B. 1417 – Lucas)**
3

4 **SECTION 74.1.** There is created the Joint Legislative Study Committee on
5 School and Public Building Security. The Committee shall consist of 14 members. The
6 President Pro Tempore of the Senate shall appoint six members, the Speaker of the
7 House of Representatives shall appoint six members, and the Secretary of Crime
8 Control and Public Safety shall appoint two members.

9 The President Pro Tempore of the Senate shall appoint a cochair, and the
10 Speaker of the House of Representatives shall appoint a cochair for the Committee. The
11 Committee may meet at any time upon the joint call of the cochairs. Vacancies on the
12 Committee shall be filled by the same appointing authority as made the initial
13 appointment.

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

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

26 **SECTION 74.2.** The Committee shall study issues related to security in
27 schools, public and private, and public buildings; review best practices around the
28 nation; examine existing technologies that the State could use to secure schools and
29 public buildings and protect their occupants; and make recommendations on how the
30 State can better protect the lives of State employees and other citizens.

31 **SECTION 74.3.** The Committee shall submit a report of its findings and
32 recommendations, including any legislative recommendations, to the 2008 Regular
33 Session of the 2007 General Assembly. The Committee shall terminate upon filing its
34 final report or upon the convening of the 2008 Regular Session of the 2007 General
35 Assembly, whichever is earlier.

36 **SECTION 74.4.** From the funds available to the General Assembly, the
37 Legislative Services Commission may allocate monies to fund the work of the
38 Committee.
39

40 **PART LXXV. STUDY THE IMPACT OF PARTITION SALES OF REAL**
41 **PROPERTY ON THE ECONOMIC USE AND LOSS OF HEIR PROPERTY**
42 **AND FARMLAND BY HEIRS IN NORTH CAROLINA (H.B. 1527 – Bryant,**
43 **Farmer-Butterfield, Allen, Harrison)**
44

1 **SECTION 75.1.** There is created the Partition Sales Study Committee to
2 address the issue of the impact of the partition sale procedures on the economic use and
3 loss of heir property and farmland by heirs in North Carolina.

4 **SECTION 75.2.** The Committee shall be comprised of 18 members as
5 follows:

- 6 (1) Nine members appointed by the Speaker of the House of
7 Representatives as follows:
 - 8 (a) Five members of the House of Representatives.
 - 9 (b) A Clerk of Superior Court.
 - 10 (c) Three members of the public with an expertise or stakeholder
11 interest in the issue.
- 12 (2) Nine members appointed by the President Pro Tempore of the Senate
13 as follows:
 - 14 (a) Five members of the Senate.
 - 15 (b) A Clerk of Superior Court.
 - 16 (c) Three members of the public with an expertise or stakeholder
17 interest in the issue.

18 The Speaker of the House of Representatives and the President Pro Tempore
19 of the Senate shall each designate a cochair of the Committee. A quorum of the
20 Committee shall be a majority of its members. The Committee shall meet upon the joint
21 call of the cochairs.

22 **SECTION 75.3.** The Committee shall study the laws and procedures
23 concerning partition sales in North Carolina and how these laws affect landowners in
24 the State, examining both the effectiveness and equity of the current law and exploring
25 potential alternatives. Specifically, the Committee shall:

- 26 (1) Review information about partition sales and examine current trends in
27 partition sales in the State, especially related to sales initiated by
28 strangers in interest to heirs or related cotenants.
- 29 (2) Analyze research and information from North Carolina and other states
30 and jurisdictions regarding the effect of partition laws on desired land
31 retention and economic development.
- 32 (3) Analyze information concerning the comparative frequency of
33 partition sales vs. partition-in-kind in North Carolina.
- 34 (4) Identify and assess alternative partition sales laws from other states.
- 35 (5) Explore how best to balance competing interests of the tenants in
36 common in the partition sales context.
- 37 (6) Identify and consult with academics who have studied partition sales
38 nationally to determine their recommendations concerning "best
39 practices" in partition proceedings.
- 40 (7) Identify current barriers to the adoption of "best practices"
41 recommendations and to alternative laws adopted by other states and
42 potential options to address these barriers.
- 43 (8) Prepare a report with a statement of the issues and a summary of the
44 research including the Committee's recommendations concerning any

1 needed improvements and draft legislation to address any inequities
2 presented by partition sales in North Carolina.

3 **SECTION 75.4.** Members of the Committee shall receive per diem,
4 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
5 appropriate. Upon the prior approval of the Legislative Services Commission, the
6 Legislative Services Officer shall assign professional and clerical staff to the Committee
7 to aid in its work. The Committee may contract for professional, clerical, or consultant
8 services as provided by G.S. 120-32.02. The Committee may meet during a regular or
9 extra session of the General Assembly, subject to approval of the President Pro
10 Tempore of the Senate and the Speaker of the House of Representatives. Subject to the
11 approval of the Legislative Services Commission, the Committee may meet in the
12 Legislative Building or the Legislative Office Building. The Committee, while in the
13 discharge of its official duties, may exercise all the powers provided under the
14 provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the
15 power to request all officers, agents, agencies, and departments of the State to provide
16 any information, data, or documents within their possession, ascertainable from their
17 records, or otherwise available to them and the power to subpoena witnesses.

18 **SECTION 75.5.** The Committee shall submit a final report of the results of
19 its study, including any legislative recommendations, to the 2008 Regular Session of the
20 2007 General Assembly no later than May 1, 2008. The Committee shall terminate on
21 May 1, 2008, or upon the filing of its final report, whichever occurs first.

22 **SECTION 75.6.** From the funds available to the General Assembly, the
23 Legislative Services Commission may allocate monies to fund the work of the
24 Committee.
25

26 **PART LXXVI. ESTABLISH A JOINT LEGISLATIVE STUDY COMMITTEE**
27 **ON LOCAL MANAGEMENT ENTITY ISSUES (H.B. 1541 – Justus, Insko,**
28 **Alexander, Howard)**
29

30 **SECTION 76.1.** There is created the Joint Legislative Study Committee on
31 Local Management Entities. The Committee shall consist of 12 members. The Speaker
32 of the House of Representatives shall appoint six members of which one must be a
33 current member of the Joint Legislative Oversight Committee on Mental Health,
34 Developmental Disabilities, and Substance Abuse Services, and the President Pro
35 Tempore of the Senate shall appoint six members of which one must be a current
36 member of the Joint Legislative Oversight Committee on Mental Health,
37 Developmental Disabilities, and Substance Abuse Services.

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

43 The Committee, while in the discharge of its official duties, may exercise all
44 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The

1 Committee may contract for professional, clerical, or consultant services as provided by
2 G.S. 120-32.02.

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

11 **SECTION 76.2.** The Committee shall consider and report on impacts on the
12 local management entity as it relates to:

- 13 (1) The feasibility of requiring local management entities contracting with
14 private providers delivering mental health, developmental disabilities,
15 and substance abuse services to require that the provider provide
16 services to a certain percent or amount of consumers who are not
17 Medicaid eligible, who are part of the target population, and whose
18 services are paid for using State funds.
- 19 (2) Treatment in emergency rooms.
- 20 (3) The administration of programs dealing with donated drugs.
- 21 (4) Target populations.
- 22 (5) Funds following the consumer.
- 23 (6) Management of hospital bed days.
- 24 (7) Local law enforcement issues relating to providing Mental Health,
25 Developmental Disabilities, and Substance Abuse Services.
- 26 (8) Timely reimbursement from the State for Mental Health,
27 Developmental Disabilities, and Substance Abuse Services.
- 28 (9) Any other matter that the Committee deems appropriate or necessary
29 to provide proper information to the General Assembly on the subject
30 of the study.

31 **SECTION 76.3.** The Committee may make an interim report to the 2007
32 General Assembly, Regular Session 2008, and shall make its final report to the 2009
33 General Assembly upon its convening. The Committee shall terminate upon filing its
34 final report or upon the convening of the 2009 General Assembly, whichever is earlier.

35 **SECTION 76.4.** From the funds available to the General Assembly, the
36 Legislative Services Commission may allocate monies to fund the work of the
37 Committee.

38
39 **PART LXXVII. CREATE THE UNBANKED AND UNDERBANKED**
40 **CONSUMERS STUDY COMMISSION (H.B. 1658 – Holliman)**

41
42 **SECTION 77.1.** Commission Created. – The Unbanked and Underbanked
43 Consumers Study Commission is created.

1 **SECTION 77.2.** Membership. – The Commission shall consist of 14
2 members appointed as follows:

- 3 (1) Five members of the House of Representatives appointed by the
4 Speaker of the House.
- 5 (2) Five members of the Senate appointed by the President Pro Tempore
6 of the Senate.
- 7 (3) One member associated with a consumer advocacy corporation
8 specializing in unsecured credit issues appointed by the Speaker of the
9 House.
- 10 (4) One member associated with a consumer advocacy organization
11 specializing in real estate secured credit issue appointed by the
12 President Pro Tempore of the Senate.
- 13 (5) One member associated with a State chartered credit corporation
14 specializing in unsecured credit appointed by the Speaker of the
15 House.
- 16 (6) One member associated with a State chartered credit corporation
17 specializing in real estate secured credit appointed by the President Pro
18 Tempore of the Senate.

19 **SECTION 77.3.** Vacancies. – A vacancy in the Commission or as chair of
20 the Commission resulting from the resignation of a member or otherwise shall be filled
21 in the same manner in which the original appointment was made.

22 **SECTION 77.4.** Duties of Commission. – The Unbanked and Underbanked
23 Consumers Study Commission shall study the following matters related to access to
24 credit by consumers who are considered unbanked or underbanked:

- 25 (1) The respective academic and economic studies, consumer protection
26 laws, and corporate best practices for consumer installment finance
27 products developed over the last 10 years in this State, neighboring
28 states, and across the country.
- 29 (2) The potential business models and regulatory economic incentives that
30 could serve to transition and graduate consumers from sub-prime to
31 prime credit scores resulting in increased chances that consumers
32 might accumulate wealth.
- 33 (3) Whether lending processes are understandable, fair, and efficient and
34 what would constitute optimum disclosures to consumers so that
35 consumers can understand and make reasoned decisions with regards
36 to the products being offered.
- 37 (4) The economic impact of raising credit scores and requiring wider
38 reporting and creditor consideration of payments for alternative
39 credit-like accounts, including rent and utilities to major credit
40 bureaus.
- 41 (5) The impact and availability of financial education or incentives to raise
42 personal financial literacy, and personal credit and financial counseling
43 by companies providing customer financial services.

- 1 (6) Whether regulation of financial services is best done on the basis of
2 lender principles and practices or by price, how risk versus reward is
3 determined, whether proper products will be available for consumer
4 needs without economic reward for risk and service cost, and what
5 products or services are not available, and does the lack of these
6 products and services disadvantage consumers.

7 **SECTION 77.5.** Report. – The Commission may make an interim report to
8 the 2008 Regular Session of the 2007 General Assembly. Prior to the convening of the
9 2009 General Assembly, the Commission shall submit a final report of its findings and
10 recommendations, including legislative and funding recommendations, to the 2009
11 General Assembly. The Commission shall terminate upon filing its final report or upon
12 the convening of the 2009 General Assembly, whichever is earlier.

13 **SECTION 77.6.** Expenses of Members. – Members of the Commission shall
14 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
15 138-5, or 138-6, as appropriate.

16 **SECTION 77.7** Chair; Meetings. – The President Pro Tempore of the Senate
17 and the Speaker of the House of Representatives shall each designate one member to
18 serve as cochair of the Commission. The cochairs shall call the initial meeting of the
19 Commission. The Commission shall subsequently meet upon such notice and in such
20 manner as its members determine. A majority of the members of the Commission shall
21 constitute a quorum. The Commission may meet in the Legislative Building or the
22 Legislative Office Building upon the approval of the Legislative Services Commission.

23 **SECTION 77.8.** Staff. – Upon the prior approval of the Legislative Services
24 Commission, the Legislative Services Officer may assign professional and clerical staff
25 and other services and supplies, as needed for the Commission to carry out its duties in
26 an effective manner.

27 **SECTION 77.9.** From the funds available to the General Assembly, the
28 Legislative Services Commission may allocate monies to fund the work of the
29 Commission.

30
31 **PART LXXVIII. ESTABLISH THE ALCOHOLIC BEVERAGE CONTROL**
32 **LAWS STUDY COMMISSION (H.B. 1706 – Love)**
33

34 **SECTION 78.1.** The Alcoholic Beverage Control Laws Study Commission
35 is hereby created. It shall consist of 10 members, five Representatives to be appointed
36 by the Speaker of the House of Representatives and five Senators to be appointed by the
37 President Pro Tempore of the Senate. The President of the Senate and the Speaker of the
38 House of Representatives shall appoint cochairs of the Commission from their
39 respective appointees. A vacancy in membership shall be filled by the appointing
40 authority who made the initial appointment.

41 **SECTION 78.2.** It shall be the duty of the Commission to study and review
42 the current Alcoholic Beverage Control Laws in Chapter 18B of the General Statutes
43 and the Rules of the North Carolina Alcoholic Beverage Control Commission to
44 identify those statutes and rules that may be obsolete or unconstitutional and to

1 recommend proposed legislation and rules to streamline the Alcoholic Beverage Control
2 Laws and Rules of the Alcoholic Beverage Control Commission.

3 **SECTION 78.3.** The Commission may contract for consultant services as
4 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
5 the Legislative Services Officer shall assign professional and clerical staff to assist in
6 the work of the Commission. Clerical staff shall be furnished to the Commission
7 through the offices of the House of Representatives' and the Senate's Directors of
8 Legislative Assistants. The Commission may meet in the Legislative Building or the
9 Legislative Office Building upon the approval of the Legislative Services Commission.
10 Members of the Commission shall receive per diem, subsistence, and travel allowances
11 at the rate established in accordance with G.S. 120-3.1, 138-5, and 138-6, as
12 appropriate. The Commission, while in the discharge of its official duties, may exercise
13 all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through
14 G.S. 120-19.4, including the power to request all officers, agents, agencies, and
15 departments of the State to provide any information, data, or documents within their
16 possession, ascertainable from their records, or otherwise available to them, and the
17 power to subpoena witnesses.

18 **SECTION 78.4.** The Alcoholic Beverage Control Laws Study Commission
19 shall report its findings and recommendations, including all legislative proposals, to the
20 2008 Regular Session of the 2007 General Assembly by April 1, 2008. The Commission
21 shall terminate upon filing its final report or upon the convening of the 2008 Regular
22 Session of the 2007 General Assembly, whichever is earlier.

23 **SECTION 78.5.** From the funds available to the General Assembly, the
24 Legislative Services Commission may allocate monies to fund the work of the
25 Commission.

26
27 **PART LXXIX. ESTABLISH THE JOINT LEGISLATIVE STUDY**
28 **COMMISSION ON THE ELIMINATION OF RACIAL DISPARITIES IN**
29 **THE JUVENILE JUSTICE SYSTEM (H.B. 1713 – Bryant, Wainwright)**

30
31 **SECTION 79.1.** There is established the Joint Legislative Study
32 Commission on the Elimination of Racial Disparities in the Juvenile Justice System.
33 The Commission shall consist of 16 members appointed as follows:

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

38 The Speaker of the House of Representatives and the President Pro Tempore
39 of the Senate shall each appoint a cochair for the Commission. The appointing authority
40 shall fill vacancies. The Commission shall meet upon the call of the cochairs.

41 **SECTION 79.2.** The Commission shall study the root causes of, and the best
42 practices needed to eliminate, the racial disparities in the juvenile justice system that
43 negatively impact African-American children and other racial and ethnic minorities and
44 their families. In connection with this study, the Commission shall:

- 1 (1) Clarify, document, and report on the nature of the disparities that
2 impact African-American children and other racial and ethnic
3 minorities and their families in the juvenile justice system, including
4 disparities in initial contacts and referrals, diversions, adjudications,
5 program services, commitments, and detention.
- 6 (2) Document the effectiveness of current efforts by the Department of
7 Juvenile Justice and Delinquency Prevention to eliminate racial
8 disparities that affect African-American children and other racial and
9 ethnic minorities.
- 10 (3) Clarify and document the impact and interconnection between at-risk
11 students, disciplinary actions, suspensions, and expulsions in the
12 public and private schools and in the juvenile justice system.
- 13 (4) Identify reliable methods to identify the societal influences that have a
14 negative impact on juveniles who have been adjudicated delinquent or
15 undisciplined or who are at risk of becoming delinquent or
16 undisciplined, especially African-American children and other racial
17 and ethnic minorities, along with methods to provide those juveniles
18 and their families with effective services and resources that will
19 prevent involvement with the juvenile justice system in terms of
20 adjudications and detention.
- 21 (5) Identify the best practices to interrupt and eliminate the racial disparity
22 in initial contacts, referrals, diversions, commitments, adjudications,
23 detention, community program utilization, and program success rates
24 along with success rates at other key decision points in the juvenile
25 justice process and develop proposals to accomplish those practices.
- 26 (6) Identify best practices and programs for providing family support
27 services for racial and ethnic minorities to eliminate racial and ethnic
28 disparities.
- 29 (7) Identify any correlation between the race of staff and service providers
30 and the outcomes for children and identify what types of training
31 would be most effective for which types of staff in eliminating racial
32 and ethnic disparities for children and their families.
- 33 (8) Develop proposals regarding the best practices for eliminating racial
34 and ethnic disparities in the juvenile justice system and the costs and
35 feasibility of implementing programs to eliminate those disparities.
- 36 (9) Document the measures of racial and ethnic disparities by staff
37 members and counties and any other methods that will be helpful to
38 identify elimination focus areas and strategies.
- 39 (10) Document the measures needed to track the accountability for, and
40 success of, identified strategies and practices to eliminate racial and
41 ethnic disparities in the juvenile justice system.
- 42 (11) Identify the critical success factors for Juvenile Crime Prevention
43 Councils and for the collaboration between law enforcement, the
44 Judicial Department, the Department of Juvenile Justice and

1 Delinquency Prevention, community-based and faith-based
2 organizations, service providers, and educators for eliminating racial
3 disparities in the juvenile justice system that negatively impact racial
4 and ethnic minorities and their families.

- 5 (12) Identify the legislative, policy, appropriations, and regulatory changes
6 that will be necessitated by the recommendations from this study.

7 In conducting the study, the Commission shall consult with the North
8 Carolina Sentencing and Policy Advisory Commission and with the Joint Legislative
9 Study Committee on High School Graduation and Drop Out Rates and the Task Force
10 for Juvenile Justice Administration, if established by the 2007 General Assembly.

11 **SECTION 79.3.** The Commission may contract for consultant services as
12 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
13 the Legislative Services Officer shall assign professional and clerical staff to assist in
14 the work of the Commission. Clerical staff shall be furnished to the Commission
15 through the offices of the House of Representatives' and the Senate's Directors of
16 Legislative Assistants. The Commission may meet in the Legislative Building or the
17 Legislative Office Building upon the approval of the Legislative Services Commission.
18 Members of the Commission shall receive per diem, subsistence, and travel allowances
19 at the rate established in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

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

26 **SECTION 79.4.** The Commission may make an interim report of its
27 findings, conclusions, and recommendations, including any legislative proposal, to the
28 General Assembly by the convening of the 2008 Regular Session of the 2007 General
29 Assembly and shall make its final report to the 2009 General Assembly by January 31,
30 2009. The Commission shall expire on January 31, 2009, or upon filing its final report,
31 whichever occurs earlier.

32 **SECTION 79.5.** From the funds available to the General Assembly, the
33 Legislative Services Commission may allocate monies to fund the work of the
34 Commission.

35
36 **PART LXXX. ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON**
37 **GROUP HEALTH INSURANCE FOR CHAMBERS OF COMMERCE (H.B.**
38 **1719 – Hurley)**
39

40 **SECTION 80.1.** There is hereby created the Joint Legislative Commission
41 on Group Health Insurance for Chambers of Commerce. The Commission, in
42 consultation with the Commissioner of Insurance, shall study whether allowing trade
43 associations to purchase group health insurance will result in health insurance coverage
44 for small employers at more affordable rates and, at the same time, not have an adverse

1 effect on group rates for small employers that are not part of a trade association. As part
2 of this study, the Commission shall recommend to the General Assembly a design for a
3 pilot project to allow selected chambers of commerce to purchase health insurance from
4 entities authorized to offer insurance in this State beyond what is allowed under current
5 law. The Commission's recommendation shall address all elements of the pilot project
6 necessary to define it, including, but not limited to, the criteria, scope, and duration of
7 the pilot and the local or geographic dispersion of the pilot area, including Piedmont
8 Triad Chambers of Commerce.

9 **SECTION 80.2.** The Commission shall consist of five members of the
10 House of Representatives appointed by the Speaker of the House of Representatives and
11 five members of the Senate appointed by the President Pro Tempore of the Senate. The
12 Speaker of the House of Representatives shall designate one representative as cochair,
13 and the President Pro Tempore of the Senate shall designate one senator as cochair.
14 Vacancies on the Commission shall be filled by the same appointing authority as made
15 the initial appointment.

16 **SECTION 80.3.** The Commission, while in the discharge of its official
17 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
18 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the
19 cochairs. The Commission may meet in the Legislative Building or the Legislative
20 Office Building.

21 The Legislative Services Commission, through the Legislative Services
22 Officer, shall assign professional staff to assist the Commission in its work. The House
23 of Representatives' and the Senate's Director of Legislative Assistants shall assign
24 clerical staff to the Commission, and the expenses relating to the clerical employees
25 shall be borne by the Commission. The Commission may contract for professional,
26 clerical, or consultant services as provided by G.S. 120-32.02. If the Commission hires a
27 consultant, the consultant shall not be a State employee or a person currently under
28 contract with the State to provide services.

29 All State departments and agencies and local governments and their
30 subdivisions shall furnish the Commission with any information in their possession or
31 available to them.

32 **SECTION 80.4.** The Commission shall report the results of its study and its
33 recommendations to the 2008 Regular Session of the 2007 General Assembly upon its
34 convening. The Commission shall terminate upon filing its final report or upon the
35 convening of the 2008 Regular Session of the 2007 General Assembly, whichever is
36 earlier.

37 **SECTION 80.5.** From the funds available to the General Assembly, the
38 Legislative Services Commission may allocate monies to fund the work of the
39 Commission.

40
41 **PART LXXXI. ESTABLISH THE JOINT STUDY COMMITTEE ON**
42 **MILITARY AND VETERANS AFFAIRS AND TO DIRECT THE**
43 **COMMITTEE TO STUDY ISSUES RELATING TO MILITARY AND**
44 **VETERANS AFFAIRS (H.B. 1721 –Martin)**

1
2 **SECTION 81.1** Committee created. – There is created the Joint Study
3 Committee on Military and Veterans Affairs.

4 **SECTION 81.2.** Membership. – The Committee shall be comprised of 13
5 members as follows:

- 6 (1) Six members appointed by the Speaker of the House of
7 Representatives.
8 (2) Six members appointed by the President Pro Tempore of the Senate.
9 (3) The Assistant Secretary for Veterans Affairs, Department of
10 Administration.

11 Members of the Committee shall serve at the pleasure of the appointing
12 authority. The Speaker of the House of Representatives and the President Pro Tempore
13 of the Senate shall designate cochairs for the Committee from among their respective
14 appointees.

15 **SECTION 81.3.** Duties of the Committee. – The Committee shall study or
16 examine the following issues:

- 17 (1) Taxation issues for disabled veterans.
18 (2) How many people must apply for a particular license plate before it is
19 made, as this issue affects veterans seeking special license plates.
20 (3) How the term "veteran" is defined.
21 (4) School eligibility of children of members of the military.
22 (5) Child custody issues faced by military personnel.
23 (6) Compatible development issues facing North Carolina's military
24 installations.
25 (7) Any other issues or matters affecting North Carolina's veterans,
26 military retirees, military bases, or military population.

27 **SECTION 81.4.** Vacancies. – Any vacancy shall be filled by the original
28 appointing authority.

29 **SECTION 81.5.** Quorum. – A quorum of the Committee shall be a majority
30 of its members.

31 **SECTION 81.6.** Meetings. – The Committee shall meet upon the call of the
32 cochairs.

33 **SECTION 81.7.** Expenses of members. – Members of the Committee shall
34 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
35 138-5, 138-6, as appropriate.

36 **SECTION 81.8.** Report. – The Committee is authorized to submit an interim
37 report of the results of its study, including any legislative recommendations, to the 2008
38 Regular Session of the 2007 General Assembly, and shall submit a final report of the
39 results of its study, including any legislative recommendations, to the 2009 Regular
40 Session of the 2009 General Assembly, no later than January 1, 2009.

41 **SECTION 81.9.** Expiration of Committee. – The Committee shall terminate
42 on January 1, 2009, or upon the filing of its final report, whichever occurs first.

1 **SECTION 81.10.** From the funds available to the General Assembly, the
2 Legislative Services Commission may allocate monies to fund the work of the
3 Committee.

4
5 **PART LXXXII. Reserved**

6
7 **PART LXXXIII. ESTABLISH THE STUDY COMMISSION ON GREENHOUSE**
8 **REGULATIONS (H.B. 1894 – Tillis, Hill, Gibson)**

9
10 **SECTION 83.1.** There is created the Study Commission on Greenhouse
11 Regulations. The Commission shall consist of seven members appointed as follows:

- 12 (1) Two members of the House of Representatives appointed by the
13 Speaker of the House of Representatives.
14 (2) Two members of the Senate appointed by the President Pro Tempore
15 of the Senate.
16 (3) A representative of the greenhouse industry appointed by the Speaker
17 of the House of Representatives.
18 (4) A representative of the greenhouse industry appointed by the President
19 Pro Tempore of the Senate.
20 (5) The Commissioner of Insurance or the Commissioner's designee, ex
21 officio.

22 The Speaker of the House of Representatives and the President Pro Tempore
23 of the Senate shall each appoint a cochair for the Commission. The appointing authority
24 shall fill vacancies. The Commission shall meet upon the call of the cochairs.

25 **SECTION 83.2.** The Commission shall study the building code regulations
26 applicable to greenhouses and shall consider whether greenhouses should be exempt
27 from State and local building codes. In particular, the Commission shall review the
28 manufacturing guidelines set forth in the National Greenhouse Manufacturers
29 Association Structural Design manual and determine whether greenhouses that are built
30 in accordance with the National Greenhouse Manufacturers Association Structural
31 Design manual and that are not used for retail sales should be exempt from building
32 code regulations. In conducting the study, the Commission shall review the laws that
33 govern the manufacture or construction, the design, and the inspection of greenhouses in
34 other states.

35 **SECTION 83.3.** The Commission may contract for consultant services as
36 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
37 the Legislative Services Officer shall assign professional and clerical staff to assist in
38 the work of the Commission. Clerical staff shall be furnished to the Commission
39 through the offices of the House of Representatives' and the Senate's Directors of
40 Legislative Assistants. The Commission may meet in the Legislative Building or the
41 Legislative Office Building upon the approval of the Legislative Services Commission.
42 Members of the Commission shall receive per diem, subsistence, and travel allowances
43 at the rate established in accordance with G.S. 120-3.1, 138-5, and 138-6, as
44 appropriate. The Commission, while in the discharge of its official duties, may exercise

1 all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through
2 G.S. 120-19.4, including the power to request all officers, agents, agencies, and
3 departments of the State to provide any information, data, or documents within their
4 possession, ascertainable from their records, or otherwise available to them, and the
5 power to subpoena witnesses.

6 **SECTION 83.4.** The Commission may report its findings, conclusions, and
7 recommendations, including any legislative proposals, to the General Assembly by the
8 convening of the 2008 Regular Session of the 2007 General Assembly. The
9 Commission shall expire on that date, or upon filing its final report, whichever occurs
10 earlier.

11 **SECTION 83.5.** From the funds available to the General Assembly, the
12 Legislative Services Commission may allocate monies to fund the work of the
13 Commission.
14

15 **PART LXXXIV. CREATE THE LEGISLATIVE SPECIAL COMMISSION ON**
16 **THE EFFICIENCY AND EFFECTIVENESS OF THE DEPARTMENT OF**
17 **PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION (H.B.**
18 **1955 – Yongue, Carney, Coleman, Johnson)**
19

20 **SECTION 84.1.** There is hereby created the Legislative Special Commission
21 on Efficiency and Effectiveness of the Department of Public Instruction and the State
22 Board of Education. The purpose of the Commission is review of the mission,
23 structure, programs, budgets, accountability, efficiency, and effectiveness of the
24 Department of Public Instruction and the State Board of Education.

25 **SECTION 84.2.** The Commission shall consist of five members of the
26 House of Representatives appointed by the Speaker of the House of Representatives and
27 five members of the Senate appointed by the President Pro Tempore of the Senate. The
28 Speaker of the House of Representatives shall designate one representative as cochair,
29 and the President Pro Tempore of the Senate shall designate one senator as cochair.
30 Vacancies on the Commission shall be filled by the same appointing authority as made
31 the initial appointment.

32 The appointments shall be made and the Commission shall begin its work
33 prior to September 1, 2007.

34 **SECTION 84.3.** In performing the legislative review of the Department of
35 Public Instruction and the State Board of Education, the Commission shall:

- 36 (1) Consider the mission of the Department to support local educational
37 agencies in their efforts to provide high quality educational services
38 and foster high student performance and achievement, as set out in the
39 statutes and in the rules, policies, and practices of the Department.
- 40 (2) Evaluate the efficiency and effectiveness of the Department of Public
41 Instruction in furthering the missions and goals of the Department,
42 including any proposed revisions. This evaluation shall include (i) the
43 role of the Department of Public Instruction, its administrative
44 structure, organization, accountability, and its statutory powers and

1 duties; (ii) the role of the State Board of Education as the head of the
2 Department of Public Instruction, its composition, organization,
3 independence, representation of local educational agencies and the
4 citizens of the State on the State Board of Education, and
5 constitutional and statutory powers and duties; and (iii) the role of the
6 State Superintendent as secretary and chief administrative officer of
7 the State Board, the State Superintendent's selection, and the State
8 Superintendent's constitutional and statutory powers and duties
9 including the election or appointment of the State Superintendent.

- 10 (3) Evaluate the efficiency and effectiveness of the statewide student
11 testing program, the data collection and data management program, the
12 curriculum and instruction program, the financial services program,
13 the school support services program, and any other program within the
14 Department that has an impact on student performance and positive
15 educational outcomes.
- 16 (4) Assess the activities performed in each program, the major benefits
17 provided by the program, the current funding and staffing levels for
18 the program, the rationale for the funding and staffing levels, and the
19 administrative and other overhead costs of the program.
- 20 (5) Determine the appropriate level of funding and staff necessary to
21 accomplish the goals and missions of the Department.

22 **SECTION 84.4.** The Commission, while in the discharge of its official
23 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
24 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the
25 cochairs. The Commission may meet in the Legislative Building or the Legislative
26 Office Building.

27 The Legislative Services Commission, through the Legislative Services
28 Officer, shall assign professional staff to assist the Commission in its work. The House
29 of Representatives' and the Senate's Director of Legislative Assistants shall assign
30 clerical staff to the Commission, and the expenses relating to the clerical employees
31 shall be borne by the Commission. The Commission may contract for professional,
32 clerical, or consultant services as provided by G.S. 120-32.02. If the Commission hires a
33 consultant, the consultant shall not be a State employee or a person currently under
34 contract with the State to provide services.

35 All State departments and agencies and local governments and their
36 subdivisions shall furnish the Commission with any information in their possession or
37 available to them.

38 **SECTION 84.5.** The Commission shall report the results of its study and its
39 recommendations to the 2008 Regular Session of the 2007 General Assembly upon its
40 convening. The Commission shall terminate upon filing its final report or upon the
41 convening of the 2008 Regular Session of the 2007 General Assembly, whichever is
42 earlier.

1 **SECTION 84.6.** From the funds available to the General Assembly, the
2 Legislative Services Commission may allocate monies to fund the work of the
3 Commission.

4
5 **PART LXXXV. Reserved**

6
7 **PART LXXXVI. HOUSE SELECT STUDY COMMISSION TO STUDY ISSUES**
8 **PERTAINING TO CRIMINAL OFFENSES FOR ASSAULT AND BATTERY**
9 **ON A LAW ENFORCEMENT, PROBATION, OR PAROLE OFFICER, OR A**
10 **PERSON EMPLOYED BY A STATE OR LOCAL DETENTION FACILITY**
11 **(H.B. 1621 – Sutton)**

12
13 **SECTION 86.1.** There is established the House Select Study Commission on
14 Assault and Battery on Law Enforcement Officers.

15 **SECTION 86.2.** The Commission shall be composed of 15 members
16 appointed by the Speaker of the House of Representatives as follows:

- 17 (1) Eight members of the House of Representatives.
18 (2) A district attorney or representative of the Conference of District
19 Attorneys of North Carolina.
20 (3) A public defender.
21 (4) A district court judge or representative of the Conference of District
22 Court Judges.
23 (5) A sheriff or representative of the North Carolina Sheriffs' Association,
24 Inc.
25 (6) A police chief or representative of the North Carolina Association of
26 Chiefs of Police.
27 (7) A member of a local law enforcement agency.
28 (8) A representative of the North Carolina Department of Correction.

29 Vacancies on the Commission shall be filled by the appointing authority. The
30 Speaker of the House of Representatives shall designate two co-chairs. A quorum of the
31 Commission shall be eight members.

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

38 The Commission may meet at any time upon call of the chairs. The
39 Commission may meet in the Legislative Building or the Legislative Office Building.
40 The Commission may contract for professional, clerical, or consultant services as
41 provided by G.S. 120-32.02.

42 The Legislative Services Commission, through the Legislative Services
43 Officer, shall assign professional staff to assist the Commission in its work. The House
44 of Representatives' Director of Legislative Assistants shall assign clerical staff to the

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

4 **SECTION 86.3.** The Commission shall study the following matters related
5 to assault and battery on law enforcement officers:

- 6 (1) The adequacy of the criminal offenses in the current law for assault
7 and battery on a law enforcement, probation, or parole officer, or a
8 person employed by a State or local detention facility.
- 9 (2) Whether enhanced penalties should apply for assaults inflicting injury,
10 serious injury, or serious bodily injury on a law enforcement,
11 probation, or parole officer, or a person employed by a State or local
12 detention facility.
- 13 (3) Whether a separate criminal offense should be created for battery on a
14 law enforcement, probation, or parole officer, or a person employed by
15 a State or local detention facility.
- 16 (4) Whether there should be an enhanced penalty for repeated assaults on
17 a law enforcement, probation, or parole officer, or a person employed
18 by a State or local detention facility that is separate from, and has
19 different elements than, the offense of habitual misdemeanor assault.
- 20 (5) Any other matter relating to assault or battery on a law enforcement,
21 probation, or parole officer, or a person employed by a State or local
22 detention facility that the Commission deems relevant.

23 **SECTION 86.4.** The Commission may make an interim report to the 2008
24 Regular Session of the 2007 General Assembly. The final report shall be made to the
25 2009 General Assembly upon its convening. The Commission shall terminate upon
26 filing its final report or upon the convening of the 2009 General Assembly, whichever is
27 earlier.

28 **SECTION 86.5.** From the funds available to the General Assembly, the
29 Legislative Services Commission may allocate monies to fund the work of the
30 Commission.

31 32 **PART LXXXVII. JOINT LEGISLATIVE STUDY COMMITTEE ON THE** 33 **SCHOOL TESTING PROGRAM (H.B. 1505 Hurley, Yongue)** 34

35 **SECTION 87.1.** There is created the Joint Legislative Study Committee on
36 the School Testing Program. The Committee shall consist of six members of the House
37 of Representatives appointed by the Speaker of the House of Representatives and six
38 members of the Senate appointed by the President Pro Tempore of the Senate.

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

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

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

13 **SECTION 87.2.** The Committee shall appoint an advisory panel comprised
14 of teachers, principals, local superintendents, members of local boards of education,
15 students, parents of public school students, and other persons to assist it in carrying out
16 its duties.

17 **SECTION 87.3.** The Committee shall study issues related to the public
18 school testing program. In the course of the study the Committee shall consider the
19 amount of instructional time that is used to prepare for tests, the effect "teaching to the
20 test" has on instruction, the amount of stress the testing program induces in students,
21 parents, teachers, and school administrators, and the validity and usefulness of test
22 results.

23 **SECTION 87.4.** The Committee shall submit a report of its findings and
24 recommendations, including any legislative recommendations, to the 2008 Regular
25 Session of the 2007 General Assembly. The Committee shall terminate upon filing its
26 final report or upon the convening of the 2008 Regular Session of the 2007 General
27 Assembly, whichever is earlier.

28 **SECTION 87.5.** From the funds available to the General Assembly, the
29 Legislative Services Commission may allocate monies to fund the work of the
30 Committee.

31
32 PART LXXXVIII. Reserved

33
34 **PART LXXXIX. JOINT SELECT STUDY COMMISSION ON ARTS**
35 **EDUCATION FOR GRADES K-12 IN THE PUBLIC SCHOOLS OF NORTH**
36 **CAROLINA** (Carney)

37
38 **SECTION 89.1.** There is established a Joint House-Senate Select
39 Study Commission on Arts Education in North Carolina's public school grades K-12.

40 **SECTION 89.2.** The Speaker of the House of Representatives and the
41 President Pro Tempore of the Senate shall appoint 23 members to serve as members of
42 the Joint Select Study Commission on Arts Education in North Carolina's public
43 schools grades K-12. The Speaker of the House of Representatives shall designate one
44 co-chair and the President Pro Tempore shall appoint one co-chair of the Joint Select

1 Study Commission on Arts Education in North Carolina's public schools grades K-12.
2 Appointments to the Commission shall meet the qualifications of the following
3 categories:

- 4 (1) Seven members of the House and seven members of the Senate
- 5 (2) Two representatives of the Department of Public Instruction
- 6 (3) One representative each from the following statewide service
7 organizations:
 - 8 a. ARTS North Carolina.
 - 9 b. North Carolina Theatre Arts Educators.
 - 10 c. North Carolina Music Educators Association.
 - 11 d. North Carolina Art Education Association.
 - 12 e. North Carolina Dance Alliance.
 - 13 f. North Carolina Theatre Conference.
 - 14 g. A+ Schools.

15 **SECTION 89.3.** The Commission shall study the current status of arts
16 education in North Carolina and shall evaluate the impact of requiring one credit in arts
17 education for graduation from a North Carolina public high school. Areas of arts
18 education that should be examined by the Commission include:

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

32 **SECTION 89.4.** The Commission may contract for consultant services as
33 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
34 the Legislative Services Officer shall assign professional and clerical staff to assist in
35 the work of the Commission. Clerical staff shall be furnished to the Commission
36 through the offices of the House of Representatives and the Senate. The Commission
37 may meet in the Legislative Building or the Legislative Office Building upon the
38 approval of the Legislative Services Commission. Members of the Commission shall
39 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
40 138-5, or 138-6, as appropriate. The appointing authority shall fill vacancies.

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

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

3 **SECTION 89.5.** The Commission shall submit a final written report of its
4 findings and recommendations on or before the convening of the 2008 Regular Session
5 of the 2007 General Assembly. All reports shall be filed with the Speaker of the House
6 of Representatives, the Senate President Pro Tempore and the Legislative Librarian.
7 Upon filing its final report, the Commission shall terminate. The Commission shall
8 terminate upon filing its final report or upon the convening of the 2008 Regular Session
9 of the 2007 General Assembly, whichever is earlier.

10
11 **PART XC. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
12 **COMPENSATION OF PERSON STERILIZED BETWEEN 1929 AND 1975 AS A**
13 **RESULT OF THE EUGENIC STERILIZATION PROGRAM OF THE STATE**
14 **(H.B. 296 Womble, Parmon, Jones, Adams)**

15
16 **SECTION 90.** The Department of Health and Human Services shall study a
17 proposal to compensate persons who, as a result of the eugenic sterilization program in
18 this State, were sterilized between the years 1929 and 1975. That study shall include a
19 proposed process for evaluating claims, an equitable amount of compensation, and such
20 other matters as the Department deems necessary. The Department of Health and
21 Human Services shall estimate the cost of providing health care, counseling, and
22 educational assistance required as a result of sterilization under the State's eugenic
23 sterilization program. The Department shall report the result of its findings to the House
24 of Representatives Appropriations Subcommittee on Health and Human Services, the
25 Senate Appropriations Committee on Health and Human Services, and the Fiscal
26 Research Division on or before April 1, 2008. It is the intent of the General Assembly,
27 after receiving cost estimates, to consider providing compensation, appropriate health
28 care coverage, counseling, and educational assistance to persons covered by this section.

29
30 **PART XCI. THE REVENUE LAWS STUDY COMMITTEE AND THE STATE**
31 **AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION STUDY**
32 **THE ISSUE OF APPLYING THE SALES AND USE TAX TO SERVICES**
33 **(H.B. 1564 – Carney, Barnhart)**

34
35 **SECTION 91.** The Revenue Laws Study Committee and the State and Local
36 Fiscal Modernization Study Commission shall study the issue of applying the sales and
37 use tax to services. The Committee and Commission shall make recommendations on
38 expanding the sales and use tax base to offset the revenue lost due to the provisions of
39 this act. The Committee and Commission may make recommendations on further
40 expanding the sales and use tax base and lowering the tax rates to maintain revenue
41 neutrality. The Committee and Commission shall report on this study to the 2008
42 Regular Session of the 2007 General Assembly. The Committee and Commission may
43 make joint recommendations or adopt the recommendations of the other entity.
44

1 **PART XCII. ESTABLISH A TASK FORCE TO STUDY WHETHER THE**
2 **COMPULSORY SCHOOL AGE SHOULD BE RAISED AND TO DEVELOP**
3 **A COMPREHENSIVE PLAN AND TIME LINE TO RAISE THE AGE TO**
4 **EIGHTEEN AND THE GRADUATION RATE TO ONE HUNDRED**
5 **PERCENT (H.B. 1790 –Bryant, Bordsen, Wainwright, Jones)**
6

7 **SECTION 92.1.** Creation of the Task Force. – It is the intent of the General
8 Assembly to consider whether the compulsory school age should be raised and to create
9 the task force to develop a comprehensive plan and time line to implement raising the
10 compulsory school age to 18 and the graduation rate to one hundred percent (100%).
11 The Task Force is established within the Department of Public Instruction to develop
12 findings and recommendations to provide a road map and time line for successfully
13 raising the age of compulsory attendance to 18, including plans to increase the
14 educational attainment and graduation rates of all students involved.

15 **SECTION 92.2.** Membership. – The Task Force shall consist of 29
16 members:

- 17 (1) Eleven ex officio members:
18 a. The President of the North Carolina Community College
19 System or a designee.
20 b. The Superintendent of Public Instruction or a designee.
21 c. The Chair of the State Board of Education or a designee.
22 d. The Secretary of Juvenile Justice and Delinquency Prevention
23 or a designee.
24 e. The Director of the Administrative Office of the Courts or a
25 designee.
26 f. The Secretary of Health and Human Services or a designee.
27 g. The Director of the Division of Mental Health, Developmental
28 Disabilities, and Substance Abuse Services or a designee.
29 h. The Director of the North Carolina Human Relations
30 Commission or a designee.
31 i. The President of The University of North Carolina or a
32 designee.
33 j. The Director of the Division of Public Health or a designee.
34 k. The Director of the Division of Social Services or a designee.
35 (2) Eighteen other members:
36 a. One high school student, one local school superintendent, one
37 member of a local board of education, and three at-large
38 members, appointed by the Speaker of the House of
39 Representatives.
40 b. One high school student, one local school superintendent, one
41 member of a local board of education, and three at-large
42 members, appointed by the President Pro Tempore of the
43 Senate.

- 1 c. One representative of the Governor's Crime Commission and
2 one juvenile court counselor, appointed by the Governor.
3 d. Two high school teachers and two high school principals,
4 appointed by the Superintendent of Public Instruction.

5 Vacancies shall be filled in the same manner as the original appointment. The
6 Speaker of the House of Representatives and the President Pro Tempore of the Senate
7 shall each designate one member to serve as cochair of the Task Force.

8 **SECTION 92.3.** Duties of the Task Force. – The Task Force shall study
9 issues related to raising the compulsory school attendance age to 18 and shall analyze
10 the legal and systemic impact of raising the compulsory school age and implementing
11 that change sequentially over a four-year period. In particular, the Task Force shall:

- 12 (1) Identify the costs to the State, local school administrative units, and
13 counties of implementing this age change, including the use of
14 community colleges, alternative schools, vocational, technical and
15 career education, programs such as Opportunities Industrialization
16 Centers, and home, private, and parochial schools.
17 (2) Review State laws and regulations that should be conformed or
18 amended and make recommendations to the General Assembly
19 regarding proposed amendments.
20 (3) Develop proposals regarding alternative programs and services and
21 collaborative programs to successfully handle this additional student
22 population.
23 (4) Identify the interconnections between the student and family
24 populations affected and likely to be affected by this provision and the
25 student and family populations likely to be involved in the juvenile
26 justice system and develop a collaborative plan for all agencies,
27 providers, and programs to jointly tailor and direct programs and
28 services to this student cohort by proactively taking the services and
29 programs to the students and families likely to be affected rather than
30 responding to triggering violations or penalties.
31 (5) Develop a model to have a per capita allocation per student follow the
32 student into an alternative program or school, community college, or
33 private or parochial school upon the award of a high school diploma or
34 equivalent if such alternative program or entity is not a public school
35 and if the student was determined not to be able to be accommodated
36 in the public schools because of space, special needs,
37 suspension/expulsion, or other eligibility issues.
38 (6) Identify best practices to provide racial equity in opportunities to stay
39 in and succeed in school and to eliminate the barriers of racism,
40 classism, and sexism that can impact the 16-18-year-olds targeted by
41 this provision.
42 (7) Develop a comprehensive plan and time line to implement the raising
43 of the compulsory school age, including maximizing the use of
44 community colleges, alternative schools and programs, and home,

1 private, and parochial schools to minimize impact and costs to the
2 public schools and the State and local governments and meet the
3 implementation time frames.

- 4 (8) Develop a reliable method to count, measure, track, and monitor
5 children to age 18 in all the environments they might be in, including
6 mental health, juvenile justice, correction or alternative care
7 institutions, community colleges, private, parochial, or home schools,
8 and on the streets, and the ways and methods they might be provided
9 the opportunity for a high school degree.

10 **SECTION 92.4.** Consultation. – The Task Force shall consult with the
11 House Select Committee on High School Graduation and Drop Out Rates, and the Task
12 Force for Juvenile Justice Administration, if established by the 2007 General Assembly,
13 and appropriate State departments, agencies, and board representatives on issues related
14 to high school education.

15 **SECTION 92.5.** Meetings. – The cochairs shall call the initial meeting of the
16 Task Force on or before October 1, 2007. Subsequent meetings shall be held upon
17 notice and in a manner as the members of the Task Force determine. A majority of the
18 members shall constitute a quorum.

19 **SECTION 92.6.** Contingent upon the availability of funds, members of the
20 Task Force shall receive per diem, subsistence, and travel allowances in accordance
21 with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

22 **SECTION 92.7.** Assistance to the Task Force. – The Department of Public
23 Instruction shall provide professional and clerical staff and other services and supplies,
24 including meeting space, as needed for the Task Force to carry out its duties in an
25 effective manner. All departments, agencies, institutions, and officers of the State and
26 its political subdivisions shall provide facilities, data, and other assistance upon request
27 of the Task Force.

28 **SECTION 92.8.** Funding. – The Task Force may apply for, receive, and
29 accept grants of non-State funds, or other contributions as appropriate to assist it in the
30 performance of its duties.

31 **SECTION 92.9.** Report. – The Task Force shall submit an interim report to
32 the Joint Legislative Education Oversight Committee and the 2008 Regular Session of
33 the 2007 General Assembly. The Task Force shall make a final report of its findings
34 and recommendations, including legislative, administrative, and funding
35 recommendations, by January 15, 2009, to the Joint Legislative Education Oversight
36 Committee, the General Assembly, the Governor, and the citizens of the State. The
37 Task Force shall terminate upon filing its final report.

38
39 **PART XCIII. STUDY COMMISSION ON THE INVESTMENT AUTHORITY**
40 **OF THE STATE TREASURER (H.B. 1806 – Coleman)**

41
42 **SECTION 93.1.** There is created the Legislative Study Commission on
43 the Investment Authority of the State Treasurer. The Commission shall consist of 12
44 members appointed as follows:

- 1 (1) Four members appointed by the Speaker of the House of Representatives.
- 2 (2) Four members appointed by the President Pro Tempore of the Senate.
- 3 (3) Four members appointed by the Governor.

4 Vacancies on the Commission shall be filled by the appointing authority.
5 Cochairs of the Commission shall be designated by the Speaker of the House of
6 Representatives and the President Pro Tempore of the Senate from among their
7 respective appointees. The Commission shall meet upon the call of the cochairs.

8 **SECTION 93.2.** The Commission shall study the investment authority
9 and fund management of other state pension funds. This study shall include the number
10 of states with only one government official acting as sole trustee of the State's pension
11 fund and those where a sole trustee has authority for selecting investment managers for
12 the fund. The study shall also include alternatives used by other states where the
13 responsibility for investment is invested in a different custodian.

14 **SECTION 93.3.** The Commission may contract for consultant services as
15 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
16 the Legislative Services Officer shall assign professional and clerical staff to assist in
17 the work of the Commission. Clerical staff shall be furnished to the Commission
18 through the offices of the House of Representatives' and the Senate's Directors of
19 Legislative Assistants. The Commission may meet in the Legislative Building or the
20 Legislative Office Building upon the approval of the Legislative Services Commission.
21 Members of the Commission shall receive per diem, subsistence, and travel allowances
22 at the rate established in accordance with G.S. 120-3.1, 138-5, and 138-6, as
23 appropriate. The Commission, while in the discharge of its official duties, may exercise
24 all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through
25 G.S. 120-19.4, including the power to request all officers, agents, agencies, and
26 departments of the State to provide any information, data, or documents within their
27 possession, ascertainable from their records, or otherwise available to them, and the
28 power to subpoena witnesses.

29 **SECTION 93.4.** The Commission may report its findings, conclusions,
30 and recommendations, including any legislative proposals by February 1, 2008 to the
31 Joint Legislative Commission on Governmental Operations. The Commission shall
32 terminate upon the earlier of the filing of its final report, or the convening of the 2008
33 Regular Session of the 2007 General Assembly

34 **SECTION 93.5.** From the funds available to the General Assembly, the
35 Legislative Services Commission may allocate monies to fund the work of the
36 Commission.

37
38 **PART XCIV. STUDY A LEGISLATIVE TUITION GRANT PROGRAM FOR**
39 **PRIVATE SCHOOL STUDENTS (H.B. 2042 – Allred)**

40
41 **SECTION 94.1.** The Legislative Services Commission may contract with
42 one or more qualified researchers who have previous experience evaluating school
43 choice programs to conduct a study of the program if nonpublic funds are available for

1 this purpose. The Legislative Services Commission may accept private funds to conduct
2 this study.

3 **SECTION 94.2.** The study shall assess:

- 4 (1) The level of parental satisfaction with the program.
- 5 (2) The level of participating students' satisfaction with the program.
- 6 (3) The impact of the program and the resulting competition from private
7 schools on the resident school districts, public school students, and
8 quality of life in a community.
- 9 (4) The impact of the program on public and private school capacity,
10 availability, and quality.
- 11 (5) Participating students' academic performance and graduation rates in
12 comparison to students who applied for a tuition grant under this
13 program but did not receive one because of random selection.

14 **SECTION 94.3.** The researchers who conduct the study shall:

- 15 (1) Apply appropriate analytical and behavioral science methodologies to
16 ensure public confidence in the study.
- 17 (2) Protect the identity of participating schools and students by, among
18 other things, keeping anonymous all disaggregated data other than that
19 for the categories of grade level, gender, race, and ethnicity.
- 20 (3) Provide the General Assembly with a final copy of the evaluation of
21 the program.

22 **SECTION 94.4.** The participating private schools shall cooperate with the
23 research effort by providing student assessment results and any other data necessary to
24 complete this study.

25 **SECTION 94.5.** The study shall cover a period of thirteen years. The
26 General Assembly may require periodic reports from the researchers. After publishing
27 their results, the researchers shall make their data and methodology available for public
28 review while complying with the requirements of the Family Educational Rights and
29 Privacy Act (20 U.S.C. § 1232g).

30
31 **PART XCV. ESTABLISH THE NORTH CAROLINA GROWERS**
32 **CONSORTIUM STUDY COMMISSION (H.B. 2016 – Faison)**
33

34 **SECTION 95.1.** There is created the North Carolina Growers Consortium
35 Study Commission. The Commission shall consist of 13 members appointed as follows:

- 36 (1) Three members appointed by the President Pro Tempore of the Senate.
- 37 (2) Three members appointed by the Speaker of the House of
38 Representatives.
- 39 (3) Three members appointed by the Governor.
- 40 (4) Two members appointed by the Commissioner of Agriculture and
41 Consumer Services.
- 42 (5) Two members appointed by the Secretary of Commerce.

43 **SECTION 95.2.** The Commission is authorized to study the following:

- 1 (1) Economic factors affecting the ability of North Carolina farmers to
2 increase production of blueberries and other fruits, including
3 availability and cost of credit.
- 4 (2) Obstacles to increasing production such as availability of farm labor.
- 5 (3) State laws or rules that may interfere with increased production of
6 fruits and vegetables.
- 7 (4) The need for State assistance to farmers who have an interest in
8 producing fruits and vegetables, such as tax incentives, agronomic
9 services, farm business planning, and other farm services.

10 **SECTION 95.3.** The Speaker of the House of Representatives shall appoint
11 a cochair, and the President Pro Tempore of the Senate shall appoint a cochair for the
12 Commission. The Commission may meet at any time upon the joint call of the cochairs.
13 Vacancies on the Commission shall be filled by the same appointing authority as made
14 the initial appointment.

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

23 All departments, agencies, institutions, and officers of the State and its
24 political subdivisions shall provide facilities, data, and other assistance upon request of
25 the Commission.

26 **SECTION 95.4.** The Commission may submit an interim report to the 2008
27 Regular Session of the 2007 General Assembly on the Commission's findings and
28 recommendations, which may include any statutory changes necessary to implement the
29 recommendations. The Commission shall make a final report to the 2009 General
30 Assembly and shall terminate upon the earlier of the filing of its final report or the
31 convening of the 2009 General Assembly.

32 **SECTION 95.5.** From the funds available to the General Assembly, the
33 Legislative Services Commission may allocate monies to fund the work of the
34 Commission.

35

36 **PART XCVI. OUT-OF-STATE TRAVEL**

37

38 **SECTION 96.** For legislative studies authorized by this act, out-of-state
39 travel must be authorized by the President Pro Tempore of the Senate or the Speaker of
40 the House of Representatives, as appropriate.

41

42 **PART XCVII. BILL AND RESOLUTION REFERENCES**

43

1 **SECTION 97.** The listing of the original bill or resolution in this act is for
2 reference purposes only and shall not be deemed to have incorporated by reference any
3 of the substantive provisions contained in the original bill or resolution.
4

5 **PART XCVIII. EFFECTIVE DATE AND APPLICABILITY**
6

7 **SECTION 98.** Except as otherwise specifically provided, this act is effective
8 when it becomes law. If a study is authorized both in this act and in the Current
9 Operations and Capital Improvements Appropriations Act of 2007, the study shall be
10 implemented in accordance with the Current Operations and Capital Improvements
11 Appropriations Act of 2007 as ratified.