

May 21, 2008

**H 2431. EMERGENCY PREPAREDNESS STUDY (=S 1780).** Filed 5/21/08. *TO CONTINUE THE JOINT LEGISLATIVE STUDY COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.*

Identical to S 1780, filed 5/20/08.

**Intro. by Martin, Glazier, McComas, Wainwright.**

STUDY

July 18, 2008

**H 2431. STUDIES ACT OF 2008 (NEW).** Filed 5/21/08. Senate committee substitute deletes all provisions of the first edition and replaces it with *AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.*

Enacts *The Studies Act of 2008*. Provides for studies as the title indicates. Lists bills or resolutions that propose the issue or study and that include the name of the sponsor where applicable, for reference purposes only. Provides that unless specifically otherwise indicated, the listed bills and resolutions refer to measures introduced in the 2007 General Assembly. Requires that if a study is authorized in the act (the Studies Act of 2007) and in the Current Operations and Capital Improvements Appropriations Act of 2008 (2008 Appropriations Act), the study is to be implemented in accordance with the 2008 Appropriations Act as ratified.

Provides that the Legislative Research Commission (LRC) may study the following specified topics: (1) Prohibit Execution/Severe Mental Disability, (2) Felony Murder Rule, (3) Report Denial of Some Pistol Permits, (4) Energy-Efficient State Motor Vehicle Fleet, (5) Permit/ Motor Coach Companies, (6) State Agency Related 501(c)(3) Corporations, (6) Educational Assistance for Minimum Wage Workers, (7) Increase Small Brewery Limits, (8) Television Access to State Government, (9) Mandatory Boating Safety Education, (10) Capital Murder Statute, (11) Homeowners Associations, (12) Youthful Offender Expunction, (13) Improvements in Consumer Credit Reporting Practices, (13) Standards Applied in Disputed Child Custody Cases, (14) Expiration of Concealed Handgun Permits, (15) Motorsports/ Economic Impact, (16) Self-Propelled Dredge, (17) Certificate of Need Process and its Impact on the Availability of Local Health Care Services, and (18) Impact of Smoking Prohibitions in Foster Care Homes. Directs the cochairs of the LRC to appoint the committee membership for each LRC committee created during the 2007-09 biennium. Provides that the LRC may report its findings for each of the topics it decides to study, along with any recommended legislation, to the 2009 Regular Session of the General Assembly. Provides that the Legislative Services Commission may allocate additional monies to fund the work of the LRC from funds available to the General Assembly. In addition to the Legislative Research Commission, adds numerous studies by various commissions, committees, departments, and agencies, as follows:

- (1) Joint Legislative Health Care Oversight Committee to Study (1) Do Not Resuscitate Orders, (2) Regulation of Dental Laboratories, (3) Electronic Health Information Management, (4) Bedding Laws, and (5) Increase in Medical Records Copy Fees;
- (2) Joint Legislative Transportation Oversight Committee to Study (1) Credit Card Acceptance by Commission Contract Agents, (2) Wrecker Service Rules, and (3) Inland Port Compact;
- (3) Joint Legislative Education Oversight Committee to Study (1) Dismissal, Demotion, or Suspension Without Pay of Noncertified School Employees, (2) Feasibility of Tuition Forgiveness and Other Incentives to Increase the Number of Social Workers in Community Mental Health in Underserved Counties in North Carolina, and (3) Impacts of Raising the Compulsory Attendance Age for Public School Attendance from sixteen, to seventeen or eighteen;
- (4) Environmental Review Commission to Study (1) Costs and Benefits of the Adoption of California Motor Vehicle Emissions Standards in North Carolina, (2) Feasibility of Implementing a Stormwater Management Program under GS 143-214.7 without requiring a permit before construction, (3) Consolidation of Environmental Regulatory Programs, (4) Implementing a State Level Permitting System and Siting Requirements

- for Commercial-Scale Wind energy Systems, (5) Hazard Disclosures in Coastal Real Estate Transactions, (6) Date Certain for the Phase-out of Hog Lagoons, (7) Protection of Conservation Land from Eminent Domain, (8) Recycle Plastic Bags, Alternatives to Plastic Bags, (9) Ban on Toxic Brominated Fire Retardants, and (10) Recycling Program for Fluorescent Lamps;
- (5) Revenue Laws Study Committee Studies to Study Franchise Tax/Effect on Construction Industry;
  - (6) Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee to Study (1) Expanding Access to the Department of Health and Human Services' Prescription Drug Database to Include County Sheriffs and Deputy Sheriffs and (2) Inmate Access to Education, Training, and Work Release Programs;
  - (7) North Carolina Study Commission on Aging to Study the State's Readiness to Respond to the Coming Wave of Older Adults;
  - (8) Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services to Study Certain Mental Health Commitment Statutes;
  - (9) Joint Legislative Commission on Seafood Aquaculture to Study the Feasibility of Increasing the Production, Processing, and Marketing of Aquaculture Products in the State;
  - (10) Department of Health and Human Services (DHHS) to Study Issues Relating to Hearing Loss in Older Adults in North Carolina;
  - (11) DHHS to Study the Feasibility of Operating a Licensed Adult Care Home in a Public Housing Facility;
  - (12) DHHS to Study Issues Relating to Respite Care;
  - (13) State Ethics Commission to Study Implementation and Effectiveness of the State Government Ethics Act;
  - (14) Department of Public Instruction (DPI) to Study the Participation and Dropout Rates of Students with Disabilities in Learn and Earn Early College High Schools, Redesigned High Schools, the North Carolina Virtual Public School, and North Carolina Public High Schools that Have Block Scheduling;
  - (15) North Carolina Building Code Council to Reexamine Adoption of Certain Sections of the Electrical Code;
  - (16) General Statutes Commission to Study the Uniform Emergency Volunteer Health Practitioners Act;
  - (17) North Carolina Division of Emergency Management, in Consultation with the North Carolina Association of County Commissioners, to Study and Develop Plans to Enhance Disaster Management Capabilities at the County Level;
  - (18) UNC Board of Governors, in Conjunction with the State Board of Education, the State Board of Community Colleges, and the NC Independent Colleges and Universities, to Study the Issue of Providing Qualified Immunity to Health Professionals for the Disclosure of Confidential Information When the Disclosure is for the Purpose of Preventing or Mitigating Harm to Others;
  - (19) UNC Board of Governors to Study the Accessibility of Its Facilities to Severely Physically Disabled Individuals Seeking Basic Access to Higher Education within the University System;
  - (20) DPI to Study the Effectiveness of Geography Education in Middle and High Schools;
  - (21) State Board of Education to Conduct a Study to Develop a Framework for a NC Board Certification Process for Principals and Assistant Principals;
  - (22) State Board of Education to Study K-12 Physical Education in the Public Schools;
  - (23) Department of Transportation (DOT) to Study Piedmont and Northern Railway Line in Gaston County to Determine the Cost of Bringing the Full Line Back into Service;
  - (24) DOT to Study Amending Its Standards for Placement of Sound Barriers in order to Protect Residential Communities Located Near Its Facilities;
  - (25) The NC Film Office to Develop a Plan to Create Film Production Facilities in the State;
  - (26) NC Institute of Medicine to Study Issues Relating to Access to Health Care;

- (27) NC Insurance Underwriting Association, the NC Joint Underwriting Association, and the NC Rate Bureau to Study the Ability of the North Carolina Insurance Underwriting Association to Respond Financially to a Significant Hurricane in this State;
- (28) Joint Legislative Education Oversight Committee to contract with a credible independent source, individual, or organization to study the Role that Regional Education Service Centers Created within DPI Could Play in the Delivery of Professional Development throughout the State;
- (29) Joint Legislative Study Committee on Public School Funding Formulas to Extend its Review of Public School Funding.

Establishes or authorizes the creation of new entities for specific studies. Provides for appointment of committee membership, reporting, and allocation of additional funds. Authorizes the committees and commissions to study a range of topics and report their findings, and provides for allocation of funds. Authorizes per diem, subsistence, and travel allowances for members of the commissions and committees, as well as staffing and the hiring of consultants.

Establishes the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery to study issues related to emergency preparedness and disaster management recovery.

Creates the Legislative Study Commission on Urban Growth and Infrastructure Issues to determine what measures the General Assembly may take to foster regional water resource and transportation planning, incentive-based local land use planning, and more responsive and cost-effective planning to accommodate rapid population growth in North Carolina's urban areas.

Creates the Joint Legislative Study Committee on Civil Commitment of Sexual Predators Who Are Determined to be Incapable of Proceeding to Trial to study the state's current laws regarding such defendants.

Creates the Study Commission on Compensation of the Governor's Cabinet and State Elected Officials to study whether compensation such officials are paid is according to the duties of their office so as to attract citizens of the highest quality to public service.

Creates the Poverty Reduction and Economic Recovery Legislative Study Commission to study and develop a coordinated, integrated approach to poverty reduction and economic recovery across the state.

Creates the Partition Sales Study Committee to address the issue of the impact of partition sale procedures on the economic use and loss of heir property and farmland by heirs in NC.

Creates the Joint Legislative Study Commission on State Guardianship Laws to review state law pertaining to guardianship and its relationship to other pertinent state laws such as the health care power of attorney, the right to a natural death, and durable power of attorney.

Establishes the North Carolina National Guard Pension Fund Study Commission to review the benefits provided through the fund.

Establishes the Joint Legislative Study Commission on Municipal Annexation to study municipal annexation in the state.

Establishes the Epilepsy Patients and Medication Interchange Study Commission to study all the facets of the issues involving the protection of epilepsy patients from medication interchange.

Establishes the Higher Education Civic Education Study Commission to advise the state on the role of higher education in helping to strengthen and enhance the ability of colleges and universities to participate civic engagement activities with K-12 educational institutions, faith-based programs, or other service programs affecting the social development and literacy of school-aged children.

Amends SL 2007-323, Section 7.32(f)(8), to change the reporting requirements for the Joint Legislative Commission on Dropout Prevention and High School Graduation (Commission). Now requires the Commission to submit (1) an interim written report of its findings and recommendations on or before the convening of the 2009 Session of the General Assembly and (2) a final written report on or before the convening of the 2011 Session of the General Assembly. Provides that the Commission *may* submit an interim report to the General Assembly by May 1, 2010.

Amends SL 2007-323, Section 7.24(a)(11), as amended, to require that the More at Four program (MFP) yearly review include a test of the feasibility (was, *shall* include a quasi-experimental research design) of conducting a quasi-experimental research design using a representative sample or samples (was, just sample) of children who complete MFP every year and children of comparable demographics who do not participate in MFP.

Provides that for the legislative studies authorized in the act, out-of-state travel must be authorized by the President Pro Tempore of the Senate or the Speaker of the House of Representatives, as appropriate.

August 8, 2008

**SL 2008-181 (H 2431). STUDIES ACT OF 2008. AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.**

Summarized in *Daily Bulletin* 5/21/08 and 7/18/08. Enacted August 4, 2008. Effective August 4, 2008, except as otherwise provided.