

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2431*

Senate Rules and Operations of the Senate Committee Substitute Adopted 7/18/08

Short Title: Studies Act of 2008.

(Public)

Sponsors:

Referred to:

May 26, 2008

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 2008."

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. Prohibit Execution/Severe Mental Disability (H.B. 553 – Insko, Harrison)
- b. Felony Murder Rule (H.B. 787 – Earle, Harrison)
- c. Report Denial of Some Pistol Permits (H.B. 1287 – Sutton, Jeffus, Harrison)

(2) Other:

- a. Energy-Efficient State Motor Vehicle Fleet (H.B. 2720 – Thomas, Harrison, Martin)
- b. Permit/Motor Coach Companies (S.B. 285 – Swindell)

- c. State Agency Related 501(c)(3) Corporations (McComas)
- d. Educational Assistance For Minimum Wage Workers (H.B. 1550 – Blackwood, Wilkins, Johnson, Pierce)
- e. Increase Small Brewery Limits (H.B. 1630 – Harrison, Fisher, Jones, Crawford)
- f. Television Access to State Government (H.B. 2647 – Goodwin)

SECTION 2.2. Mandatory Boating Safety Education (H.B. 2139 – Wray, Alexander, Underhill) – The Commission may study the feasibility of implementing mandatory boating education in this State. In conducting its study, the Commission shall evaluate the feasibility of requiring all persons to satisfy boating education requirements prior to operating a motorboat or personal watercraft.

SECTION 2.3. Capital Murder Statute (H.B. 1526 – Bryant, Hall, Luebke, Harrison) – The Commission may study issues related to streamlining and making more cost effective the determination of whether a first degree murder case may be tried as a capital case.

SECTION 2.4. Homeowners Associations (H.B. 1695 – Ray, Weiss) – The Commission may study issues related to the protection and participation of homeowners in the governance of their homeowner associations, particularly as to assessments and record keeping of the associations.

SECTION 2.5. Youthful Offender Expunction (H.B. 898 – Bordsen) – The Commission may study issues related to expunction of youthful offenders' criminal records, and allowing the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission access to the records of expunction.

SECTION 2.6. Improvements in Consumer Credit Reporting Practices (S.B. 1714 – Clodfelter) – The Commission may study improvements in consumer credit reporting practices, including the means to provide that credit histories reported by businesses and other credit reporting entities that have fewer than 500 customers or accounts are included as part of customers' consumer credit reports or credit histories. In its study, the Commission may consider all of the following:

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

1 **SECTION 2.7.** Standards Applied in Disputed Child Custody Cases (S.B.
2 1880 – Clodfelter) – The Commission may study the standards applied in disputed child
3 custody cases and the need for any modification of existing standards, including the
4 possible adoption of a presumptive joint custody standard in some or all disputed child
5 custody cases.

6 **SECTION 2.8.** Expiration of Concealed Handgun Permits (Boseman) – The
7 Commission may study timing issues involved in renewing a concealed handgun permit,
8 including whether there should be a time limit for sheriffs to review renewal
9 applications so that permits do not expire before the review process is complete.

10 **SECTION 2.9.** Motorsports/Economic Impact (Purcell) – The Commission
11 may study the economic impact of motorsports, including drag, motorcycle, and
12 automotive racing, in North Carolina, with particular emphasis on Rockingham County.

13 **SECTION 2.10.** Self-Propelled Dredge – The Commission may study the
14 feasibility and cost of constructing a self-propelled, submerged dredge, capable of being
15 launched from shore and controlled remotely, to be used for purposes of removing
16 material that interferes with navigation and for beach nourishment.

17 **SECTION 2.11.** Certificate of Need Process and its Impact on the
18 Availability of Local Health Care Services (H.B. 2598 – Howard) – The Commission
19 may study the law and process for issuing a Certificate of Need (CON) for new
20 construction and expansion or renovation of existing health care facilities. In
21 conducting the study, the Commission may consider the following:

- 22 (1) The impact on rural or underserved communities of the denial of a
23 CON to construct or expand existing health care facilities.
- 24 (2) The legal requirements governing Department of Health and Human
25 Services determinations on applications for CON.
- 26 (3) Recent CON determinations made by the Department of Health and
27 Human Services and the particular bases for the determinations.
- 28 (4) Whether past CON determinations have adversely affected rural or
29 underserved areas with respect to health care access by community
30 residents.
- 31 (5) What modifications can be made to the legal requirements governing
32 CON determinations to mitigate the hardships to residents and health
33 care facilities resulting from CON application denials or limitations.

34 **SECTION 2.12.** Impact of Smoking Prohibitions in Foster Care Homes
35 (Purcell) – The Commission may study whether smoking prohibitions that apply to
36 foster care homes are having an impact on the availability of foster care homes. In
37 conducting the study, the Commission shall consider whether smoking bans are a
38 sensible approach to protecting the health of foster care children or whether smoking
39 bans may cause a reduction in the number of available foster care homes.

40 **SECTION 2.13.** For each Legislative Research Commission committee
41 created during the 2007-2009 biennium, the cochairs of the Legislative Research
42 Commission shall appoint the committee membership.

43 **SECTION 2.14.** For each of the topics the Legislative Research
44 Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the

1 Commission may report its findings, together with any recommended legislation, to the
2 2009 Regular Session of the General Assembly upon its convening.

3 **SECTION 2.15.** From the funds available to the General Assembly, the
4 Legislative Services Commission may allocate additional monies to fund the work of
5 the Legislative Research Commission.
6

7 **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT**
8 **COMMITTEE STUDIES**
9

10 **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may
11 study the topics listed in this Part and report its findings, together with any
12 recommended legislation, to the 2009 Regular Session of the General Assembly upon
13 its convening.

14 **SECTION 3.2.** DNR Orders (Kinnaird) – The Committee may study "Do
15 Not Resuscitate" (DNR) orders issued by an attending physician in the absence of a
16 declaration for natural death.

17 **SECTION 3.3.** Regulation of Dental Laboratories – The Committee may
18 study issues concerning the safety of dental restorations and the regulation of dental
19 laboratories. In conducting the study, the Committee shall consider the advisability of
20 requiring (i) at least one certified dental technician in each dental laboratory, (ii) all
21 dental laboratories to register with the State, and (iii) written documentation of all
22 materials included in a final restoration and the point of origin where the restoration was
23 manufactured. The Committee may also consider the model legislation proposed by the
24 National Association of Dental Laboratories in its deliberations.

25 **SECTION 3.4.** Electronic Health Information Management (S.B. 1802 –
26 Malone) – The Committee may study the development of a coordinated statewide
27 electronic health information network to facilitate the integration of health information
28 technology into health care systems and support the timely, accurate, and secure
29 exchange of health information. Coordinated health information management must be
30 accomplished in consultation with representatives from potential participants, including
31 public, private, and teaching hospitals; rural clinics; community health centers; free
32 clinics; the Department of Health and Human Services; and health care providers'
33 professional organizations.

34 **SECTION 3.5.** Bedding Laws – The Committee may study issues
35 concerning bedding laws, Part 8 of Article 8 of Chapter 130A of the General Statutes,
36 including the Bedding Law Account.

37 **SECTION 3.6.** Increase in Medical Records Copy Fees (H.B. 1361 –
38 Wilkins, England) – The Committee may study whether after 15 years the fee initially
39 authorized under G.S. 90-411 should be increased to more closely reflect current
40 copying and handling costs. When considering a fee increase, the Committee shall take
41 into account the financial impact of the fee increase on consumers and others requesting
42 medical record copies.
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1 **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT**
2 **COMMITTEE STUDIES**

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4 **SECTION 4.1.** The Joint Legislative Transportation Oversight Committee
5 may study the topics listed in this Part and report its findings, together with any
6 recommended legislation, to the 2009 Regular Session of the General Assembly upon
7 its convening.

8 **SECTION 4.2.** Credit Card Acceptance by Commission Contract Agents
9 (H.B. 2312 – Cole) – The Committee may study issues related to acceptance of credit
10 cards, charge cards, or debit cards by commission contract agents and the Division of
11 Motor Vehicles

12 **SECTION 4.3.** Wrecker Service Rules (H.B. 2789 – Cole) – The Committee
13 may study issues related to wrecker service rules.

14 **SECTION 4.4.** Inland Port Compact (H.B. 2258 – Gillespie) – The
15 Committee may study whether North Carolina should enter into a compact with the
16 states of South Carolina and Tennessee, and the Commonwealth of Virginia, to
17 coordinate efforts to establish an Inland Port, and any other issue related to inland ports.
18

19 **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**
20 **STUDIES**

21
22 **SECTION 5.1.** The Joint Legislative Education Oversight Committee may
23 study the topics listed in this Part and report its findings, together with any
24 recommended legislation, to the 2009 Regular Session of the General Assembly upon
25 its convening.

26 **SECTION 5.2.** Dismissal, Demotion, or Suspension Without Pay of
27 Noncertified School Employees (H.B. 1827 – Harrison, Jeffus, Womble) – The
28 Committee may study the legal and policy issues regarding the dismissal, demotion, or
29 suspension without pay of noncertified school employees and their current employment
30 status as at-will employees. The Committee may consider whether noncertified
31 employees should only be dismissed, demoted, or suspended without pay for just cause.

32 **SECTION 5.3.** Feasibility of Tuition Forgiveness and Other Incentives to
33 Increase the Number of Social Workers in Community Mental Health in Underserved
34 Counties in North Carolina (H.B. 2203 – Insko, Love, Glazier) – The Committee may
35 study the feasibility of tuition forgiveness and other incentives to increase the number of
36 social workers in community mental health in underserved counties in North Carolina.
37 In conducting the study, the Committee may assess the feasibility of a Community
38 Mental Health Scholars Tuition Forgiveness Program (Program) for the purpose of
39 expanding the number of professional master's level social workers in community
40 mental health to serve underserved counties. The Committee's study may also include
41 (i) identifying policy or system barriers to the creation of a tuition forgiveness program
42 or to hiring of graduates in underserved counties; (ii) recommending a structure for a
43 tuition forgiveness program if such a program is found feasible; and (iii) recommending

1 other possible incentives to increase the number of MSW social workers providing
2 community mental health services.

3 **SECTION 5.4.** Impacts of Raising the Compulsory Attendance Age for
4 Public School Attendance from Sixteen to Seventeen or Eighteen (H.B. 2289 – Parmon,
5 Bryant, Fisher, Tarleton) – The Committee, in coordination with the Department of
6 Public Instruction, may study the impacts of raising the compulsory public school
7 attendance age from 16 to 17 or 18. In its study, the Committee shall consider all of the
8 following:

- 9 (1) Impacts, including fiscal impacts, that raising the compulsory school
10 attendance age has had in states that have raised the compulsory school
11 attendance age in the last 15 years.
- 12 (2) Conclusions that can be drawn as to the impact the compulsory school
13 attendance age has made in the dropout and high school completion
14 rates for states who require compulsory school attendance to ages 16,
15 17, and 18, respectively.
- 16 (3) Best practices for working with at-risk populations of students who
17 remain in school that have been employed in states that have raised the
18 compulsory attendance age in the last 15 years.
- 19 (4) The fiscal impact of raising the compulsory school attendance age
20 from 16 to 17 and 16 to 18, respectively, for each local administrative
21 school unit in North Carolina.

22 **PART VI. ENVIRONMENTAL REVIEW COMMISSION STUDIES**

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25 **SECTION 6.1.** The Environmental Review Commission may study the
26 topics listed in this Part and report its findings, together with any recommended
27 legislation, to the 2009 Regular Session of the General Assembly upon its convening.

28 **SECTION 6.2.** Costs and Benefits of the Adoption of California Motor
29 Vehicle Emissions Standards in North Carolina (S.B. 1871 – Clodfelter; H.B. 2526 –
30 Harrison, Martin, Samuelson, Thomas) – The Commission, in consultation with the
31 Division of Air Quality of the Department of Environment and Natural Resources, may
32 study the costs and benefits of the adoption of the California motor vehicle emissions
33 standards in this State. The Commission shall determine:

- 34 (1) The projected emissions of carbon dioxide for each year through the
35 year 2020 from motor vehicles in North Carolina if the California
36 motor vehicle emissions standards were adopted in North Carolina, as
37 compared to emissions of carbon dioxide projected for the same period
38 from motor vehicles in North Carolina if the California motor vehicle
39 emissions standards are not adopted. In making the comparison, the
40 Commission shall factor in any reduction of emissions of carbon
41 dioxide in North Carolina that are projected to result from the
42 implementation of the federal emissions standards and the federal fuel
43 efficiency standards.

- 1 (2) The projected increase in costs to North Carolina sellers and
2 purchasers of new vehicles if the California motor vehicle emissions
3 standards were adopted in North Carolina.
- 4 (3) The projected reduction in quantity and cost of fuel to North Carolina
5 consumers if the California motor vehicle emissions standards were
6 adopted in North Carolina as compared to the quantity and cost of fuel
7 if the California motor vehicle emissions standards are not adopted. In
8 making the comparison, the Commission shall determine quantity and
9 cost of fuel during the first five years of the useful life of the vehicle
10 and over the projected useful life of the vehicle.

11 For purposes of this study, the following definitions apply:

- 12 (1) "California motor vehicle emissions standards" means the functional
13 equivalent, if implemented in this State, of the low-emission vehicle
14 program established under the laws of the State of California as set
15 forth in final regulations issued by the California Air Resources Board
16 pursuant to Title 13 of the California Code of Regulations and
17 promulgated under the authority of Division 26 of the California
18 Health and Safety Code.
- 19 (2) "Federal emissions standards" means the regulations as set forth in
20 Parts 85 and 86 of Title 40 of the Code of Federal Regulations (July 1,
21 2007 Edition).
- 22 (3) "Federal fuel efficiency standards" means the corporate average fuel
23 economy (CAFE) standards, as set forth in Chapter V of Title 49 of the
24 Code of Federal Regulations (October 1, 2007 Edition).

25 In conducting this study, the Commission may employ independent consultants as
26 provided by G.S. 120-32.02 and G.S. 120-70.44. The Commission may also convene an
27 advisory committee of interested parties to assist in the design and implementation of
28 the study.

29 **SECTION 6.3.** Stormwater Permitting – The Commission may study the
30 feasibility of implementing a stormwater management program under G.S. 143-214.7
31 without requiring the issuance of a State permit prior to construction. The study shall
32 consider the potential for accepting an engineering certification that the stormwater
33 management system complies with stormwater requirements set out in statute or in the
34 rules of the Environmental Management Commission in place of a permit review by the
35 Department of Environment and Natural Resources. The study shall address issues
36 related to enforcement of stormwater requirements; the impact on stormwater programs
37 delegated to and implemented by units of local government; consistency with federal
38 requirements under the Clean Water Act, including limits on non-point source runoff
39 under a Total Maximum Daily Load for impaired waters; the ability to accurately track
40 nutrient reductions under nutrient sensitive waters strategies; implications for other
41 environmental review processes, included related permitting programs; potential
42 impacts on the State's ability to protect water quality and aquatic resources. The study
43 shall also consider the costs and benefits to the property owner or developer.

1 **SECTION 6.4.** Consolidation of Environmental Regulatory Programs – The
2 Commission may study the desirability of abolishing existing environmental regulatory
3 programs and replacing them with a new, full-time Environmental Management
4 Commission modeled on the Utilities Commission in order to improve efficiency,
5 communication, and coordination within State government in the development and
6 implementation of environmental and natural resources policy.

7 **SECTION 6.5.** Wind Permitting (H.B. 1821 – Harrison) – The Commission
8 may study methods for implementing a State level permitting system and siting
9 requirements for commercial-scale wind energy systems that will ensure that wind
10 energy systems are sited in an orderly manner compatible with environmental
11 preservation, sustainable development, and the efficient use of resources. In
12 undertaking the study, the Commission may consider procedures for environmental
13 review of commercial-scale wind energy systems, and standards necessary to minimize
14 impacts in the following areas: noise, visual, environmental, sensitive habitats, wildlife,
15 public health, safety. The Commission may form a technical advisory committee to
16 include representatives from various stakeholder groups to assist in conducting this
17 study.

18 **SECTION 6.6.** Hazard Disclosures in Coastal Real Estate Transactions
19 (H.B. 1628 – Harrison) – The Commission may study issues related to hazard
20 disclosures in coastal real estate transactions.

21 **SECTION 6.7.** Date Certain for Phase-out of Hog Lagoons (H.B. 1822 –
22 Jones, Harrison)

23 **SECTION 6.8.** Protection of Conservation Land from Eminent Domain
24 (Harrison)

25 **SECTION 6.9.** Recycle Plastic Bags/Alternatives to Plastic Bags (H.B. 2527
26 – Harrison, Martin, Bryant, Justice)

27 **SECTION 6.10.** Ban on Toxic Brominated Fire Retardants (PBDEs)
28 (Harrison) – The Commission may study, in consultation with the Child Fatality Task
29 Force, a ban on toxic brominated fire retardants.

30 **SECTION 6.11.** Recycling Program for Fluorescent Lamps (H.B. 838 –
31 Harrison, Fisher) – The Commission, in conjunction with the Division of Waste
32 Management and the Division of Pollution Prevention and Environmental Assistance of
33 the Department of Environment and Natural Resources, may study the issue of a
34 recycling program for fluorescent lamps.
35

36 **PART VII. REVENUE LAWS STUDY COMMITTEE STUDIES**

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38 **SECTION 7.1.** The Revenue Laws Study Committee may study the topics
39 listed in this Part and report its findings, together with any recommended legislation, to
40 the 2009 Regular Session of the General Assembly upon its convening.

41 **SECTION 7.2.** Franchise Tax/Effect on Construction Industry (Gibson) –
42 The Committee may study the treatment of certain liability accounts as they relate to the
43 computation of the franchise tax capital stock, surplus, and undivided profits base of
44 corporations in the construction industry.

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

5 **SECTION 8.1.** The Joint Legislative Corrections, Crime Control, and
6 Juvenile Justice Oversight Committee may study the topics listed in this Part and report
7 its findings, together with any recommended legislation, to the 2009 Regular Session of
8 the General Assembly upon its convening.

9 **SECTION 8.2.** Expanding Access to The Department of Health and Human
10 Services' Prescription Drug Database to Include County Sheriffs And Deputy Sheriffs
11 (H.B. 2163 – McLawhorn; H.B. 2292 – Boylan) – The Committee may study whether,
12 and under what circumstances, the prescription drug database maintained by the
13 Department of Health and Human Services should be accessible to county sheriffs and
14 deputy sheriffs.

15 **SECTION 8.3.** Inmate Access to Education, Training, and Work Release
16 Programs (S.B. 1499 – Atwater) – The Committee may study methods for (i) increasing
17 inmates' access to educational and vocational training opportunities at all State prison
18 facilities and (ii) increasing the number of work release slots at minimum security
19 prisons.
20

21 **PART IX. NORTH CAROLINA STUDY COMMISSION ON AGING STUDIES**
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23 **SECTION 9.1.** The North Carolina Study Commission on Aging may study
24 the topics listed in this Part and report its findings, together with any recommended
25 legislation, to the 2009 Regular Session of the General Assembly upon its convening.

26 **SECTION 9.2.** State's Readiness to Respond to the Coming Wave of Older
27 Adults (H.B. 2324 – Farmer-Butterfield, Pierce, Boylan) – The Commission may study
28 the State's readiness to respond to increasing numbers of older adults residing in North
29 Carolina. In conducting the study, the Commission may:

- 30 (1) Identify information and resources to provide needs assessment,
31 planning, and delivery of services and programs to current and future
32 older adults.
33 (2) Oversee the design and implementation of a Consumer Needs, Assets,
34 and Expectations Assessment.
35 (3) Oversee the design and implementation of a State and Local
36 Awareness and Preparedness Assessment.
37 (4) Identify and secure studies of related issues, such as retirement
38 migration patterns, that impact the planning process for North
39 Carolina's older adult population.
40 (5) Oversee design and implementation of a process to strengthen State
41 and local planning.
42

1 **PART X. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL**
2 **HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE**
3 **SERVICES**

4
5 **SECTION 10.1.** The Joint Legislative Oversight Committee on Mental
6 Health, Developmental Disabilities, and Substance Abuse Services may study the topics
7 listed in this Part and report its findings, together with any recommended legislation, to
8 the 2009 Regular Session of the General Assembly upon its convening.

9 **SECTION 10.2.** Study Certain Mental Health Commitment Statutes (H.B.
10 2202 – Insko) – The Committee may study the involuntary commitment statutes in
11 Chapter 122C of the General Statutes, in particular G.S. 122C-263(a), to determine if an
12 individual lawfully ordered to undergo an examination by a physician or eligible
13 psychologist is being appropriately supervised to protect the health and safety of the
14 individual and others during the period of the individual's examination.

15
16 **PART XI. JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND**
17 **AQUACULTURE STUDIES**

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19 **SECTION 11.1.** The Joint Legislative Commission on Seafood and
20 Aquaculture may study the topics listed in this Part and report its findings, together with
21 any recommended legislation, to the 2009 Regular Session of the General Assembly
22 upon its convening.

23 **SECTION 11.2.** The Commission may study the feasibility of increasing the
24 production, processing, and marketing of aquaculture products in the State. The study
25 shall include an analysis of:

- 26 (1) The current and potential economic impact of the aquaculture industry
27 in the State.
28 (2) The current and potential environmental impacts of the aquaculture
29 industry in the State.
30 (3) Regulatory changes that may be necessary to increase the production,
31 processing, and marketing of aquaculture products in the State.
32 (4) Programs to promote the production, processing, and marketing of
33 aquaculture products in other states.
34 (5) The desirability of establishing a State-funded shellfish hatchery.
35 (6) Funding necessary to increase the production, processing, and
36 marketing of aquaculture products in the State.

37
38 **PART XII. DIRECT THE DEPARTMENT OF HEALTH AND HUMAN**
39 **SERVICES TO STUDY ISSUES RELATING TO HEARING LOSS IN**
40 **OLDER ADULTS IN NORTH CAROLINA (S.B. 1644 – Malone; H.B. 2182 –**
41 **Farmer-Butterfield, Boylan)**
42

1 **SECTION 12.1.** The Department of Health and Human Services, Division
2 of Services for the Deaf and Hard of Hearing, shall study the impact of hearing loss on
3 North Carolina's older adult population. The study shall examine the following:

- 4 (1) The availability of and access to qualified professionals for diagnosis
5 and treatment.
- 6 (2) The availability of and access to hearing aid purchase assistance
7 programs for low-income individuals.
- 8 (3) The development of an inventory of adaptive technology options
9 available to assist older adults with hearing loss.
- 10 (4) Resources and programs available in other states.

11 **SECTION 12.2.** The Department of Health and Human Services shall
12 present findings and recommendations to the Study Commission on Aging on or before
13 November 1, 2009.

14
15 **PART XIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO**
16 **STUDY THE FEASIBILITY OF OPERATING A LICENSED ADULT CARE**
17 **HOME IN A PUBLIC HOUSING FACILITY (S.B. 2011 – Swindell; H.B. 2704**
18 **– Farmer-Butterfield, Tolson, Bordsen, Boylan)**

19
20 **SECTION 13.1.** The Department of Health and Human Services, Division
21 of Aging and Adult Services and Division of Medical Assistance, shall study the
22 feasibility and possible savings to the State of operating a licensed adult care home in a
23 public housing facility. The study shall determine:

- 24 (1) Whether this model is needed to complement the care options
25 currently available to older adults in North Carolina.
- 26 (2) Whether this model is allowable under current State and federal laws
27 and rules, and if not, what changes are needed.
- 28 (3) How State-County Special Assistance and federal public housing
29 subsidies would work together and whether this could result in a
30 reduced State-County Special Assistance rate for these types of entities
31 and possible savings for the State.

32 **SECTION 13.2.** The Department shall report its findings and
33 recommendations to the House of Representatives Appropriations Subcommittee on
34 Health and Human Services, the Senate Appropriations Committee on Health and
35 Human Services, and to the Study Commission on Aging, on or before August 1, 2009.

36
37 **PART XIV. DIRECT THE DEPARTMENT OF HEALTH AND HUMAN**
38 **SERVICES TO STUDY ISSUES RELATING TO RESPITE CARE (H.B. 2398 –**
39 **FARMER-BUTTERFIELD, PIERCE, BOYLAN)**

40
41 **SECTION 14.1.** The Department of Health and Human Services, Division
42 of Aging and Adult Services, shall study the adequacy of service standards and funding
43 for group respite services. The study shall include determining whether opportunities
44 exist to streamline and enhance the provision of respite services.

1 **SECTION 14.2.** The Department of Health and Human Services, Division
2 of Medical Assistance, shall study including respite services as part of the Medicaid
3 State Plan.

4 **SECTION 14.3.** The Department shall report findings and recommendations
5 to the Study Commission on Aging on or before November 1, 2009.
6

7 **PART XV. STATE ETHICS COMMISSION TO STUDY IMPLEMENTATION**
8 **AND EFFECTIVENESS OF THE STATE GOVERNMENT ETHICS ACT**
9

10 **SECTION 15.1.** The State Ethics Commission shall conduct a study of the
11 implementation and effectiveness of S.L. 2006-201, the State Government Ethics Act.
12 The study shall examine issues related to the administration of the laws created under
13 this act by the State Ethics Commission, the Secretary of State, the State Board of
14 Elections, and any applicable State agency. The study shall identify the areas of the
15 ethics and lobbying process in which public input is needed, the need for notice to the
16 public of interpretations of the law, the effectiveness of the ethics and lobbying
17 education process, the volume of requests for advice, the adequacy of staffing to timely
18 meet the needs of the act, and the general perception of the community affected by the
19 State Government Ethics Act. The State Ethics Commission shall consult with the
20 Legislative Ethics Committee as part of this study. The study shall assess and identify
21 proposed legislative changes in the governmental process and the law needed to
22 promote and continue high ethical behavior by governmental officers and employees.
23 The report shall include recommendations on changes to Chapter 138A and Chapter
24 120C of the General Statutes. The State Ethics Commission shall report its findings and
25 recommendations in writing to the Legislative Ethics Committee on or before by March
26 1, 2009.
27

28 **PART XVI. STUDY THE PARTICIPATION AND DROPOUT RATES OF**
29 **STUDENTS WITH DISABILITIES IN LEARN AND EARN EARLY COLLEGE**
30 **HIGH SCHOOLS, REDESIGNED HIGH SCHOOLS, THE NORTH CAROLINA**
31 **VIRTUAL PUBLIC SCHOOL, AND NORTH CAROLINA PUBLIC HIGH**
32 **SCHOOLS THAT HAVE BLOCK SCHEDULING (S.B. 1758 – Swindell; H.B.**
33 **2356 – Glazier, Lucas, Yongue)**
34

35 **SECTION 16.1.** The Department of Public Instruction shall analyze the
36 participation of students with disabilities in Learn and Earn Early College High Schools,
37 Redesigned High Schools, the North Carolina Virtual Public School, and North
38 Carolina public high schools that are on block schedules. In conducting its analysis, the
39 Department shall consider enrollment, graduation, and dropout rates for students with
40 disabilities in these different programs. The Department shall report its findings and
41 recommendations to the Joint Legislative Education Oversight Committee by March 15,
42 2009.
43

44 **PART XVII. Reserved**

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2 **PART XVIII. NORTH CAROLINA BUILDING CODE COUNCIL TO**
3 **REEXAMINE ADOPTION OF CERTAIN SECTIONS OF THE ELECTRICAL**
4 **CODE**

5
6 **SECTION 18.1.** The North Carolina Building Code Council shall reexamine
7 its adoptions of the following sections of the North Carolina Electrical Code to
8 determine whether they are necessary and cost-effective: Section 210.12(B), Arc-Fault
9 Circuit-Interrupter Protection; Section 338.10(B)(4)(a), Allowable Ampacities for SE
10 Cables; and Section 406.11, Tamper Resistant Receptacles in Dwelling Units. The
11 Council shall report its findings to the General Assembly on or before January 1, 2009.
12

13 **PART XIX. GENERAL STATUTES COMMISSION TO STUDY THE**
14 **UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT**
15 **(S.B. 1772 – Nesbitt; H.B. 2430 – Martin, Glazier)**
16

17 **SECTION 19.1.** The General Statutes Commission shall study the Uniform
18 Emergency Volunteer Health Practitioners Act in consultation with interested parties
19 and report to the General Assembly on the Commission's recommendations and
20 legislative proposals by February 1, 2009.
21

22 **PART XX. NORTH CAROLINA DIVISION OF EMERGENCY**
23 **MANAGEMENT, IN CONSULTATION WITH THE NORTH CAROLINA**
24 **ASSOCIATION OF COUNTY COMMISSIONERS, TO STUDY AND DEVELOP**
25 **PLANS TO ENHANCE DISASTER MANAGEMENT CAPABILITIES AT THE**
26 **COUNTY LEVEL (S.B. 1775 – NESBITT)**
27

28 **SECTION 20.1.** The Division of Emergency Management, in consultation
29 with the North Carolina Association of County Commissioners, shall study ways and
30 develop plans to increase the capabilities of counties to plan for, respond to, and manage
31 disasters at the local level. Plans developed shall include time lines for implementation
32 and estimates of funding needs and shall address:

- 33 (1) Mandating, if determined necessary, the establishment and
34 maintenance of emergency management agencies at the county level.
35 (2) Increasing the number of counties employing full-time emergency
36 management coordinators, such that every county in the State, either
37 individually or pursuant to a joint undertaking between two or more
38 counties, has a full-time local emergency management coordinator
39 available.
40 (3) Implementing an emergency management certification requirement for
41 all local emergency management coordinators and other essential local
42 emergency management personnel.

- 1 (4) Developing a model registry for use by the counties in identifying
2 functionally and medically fragile persons in need of assistance during
3 a disaster and in allocating resources to meet those needs.
4 (5) Establishing a registry program for functionally and medically fragile
5 persons in all counties.

6 **SECTION 20.2.** The Division of Emergency Management shall report the
7 results of its study and provide the plans developed to the Chairs of the Joint Select
8 Committee on Emergency Preparedness and Disaster Management Recovery and the
9 House of Representatives Appropriations Subcommittee and Senate Appropriations
10 Committee on Natural and Economic Resources on or before December 1, 2008.
11

12 **PART XXI. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH**
13 **CAROLINA IN CONJUNCTION WITH THE STATE BOARD OF**
14 **EDUCATION, THE STATE BOARD OF COMMUNITY COLLEGES, AND THE**
15 **NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES TO**
16 **STUDY THE ISSUE OF PROVIDING QUALIFIED IMMUNITY TO HEALTH**
17 **PROFESSIONALS FOR THE DISCLOSURE OF CONFIDENTIAL**
18 **INFORMATION WHEN THE DISCLOSURE IS FOR THE PURPOSE OF**
19 **PREVENTING OR MITIGATING HARM TO OTHERS (S.B. 2080 – Rand,**
20 **Hagan)**
21

22 **SECTION 21.1.** The Board of Governors of The University of North
23 Carolina, in conjunction with the State Board of Community Colleges, the State Board
24 of Education, and the North Carolina Independent Colleges and Universities shall study
25 the issue of providing qualified immunity to mental health and health professionals for
26 the disclosure of confidential information when the disclosure is for the purpose of
27 preventing or mitigating harm to others, consistent with the recommendations of the
28 UNC Campus Safety Task Force. The Board of Governors shall seek the input of
29 licensing bodies of the mental health and health professionals when developing its
30 recommendations.
31

32 **SECTION 21.2.** The Board of Governors of The University of North
33 Carolina shall submit a final report of the results of this study to the Joint Select
34 Committee on Governmental Immunity on or before December 1, 2008, including any
35 legislative recommendations.

36 **PART XXII. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH**
37 **CAROLINA TO STUDY THE ACCESSIBILITY OF ITS FACILITIES TO**
38 **SEVERELY PHYSICALLY DISABLED INDIVIDUALS SEEKING BASIC**
39 **ACCESS TO HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM**
40 **(S.B. 1498 – Atwater)**
41

42 **SECTION 22.1.** The Board of Governors of The University of North
43 Carolina shall study the accessibility of its facilities to severely physically disabled
44 individuals seeking basic access to higher education at constituent institutions of The

1 University of North Carolina. In its study, the Board of Governors may consider all of
2 the following:

- 3 (1) What specific educational assistance the State has funded that would
4 be available to severely physically disabled individuals.
- 5 (2) What specific educational assistance the State currently funds that
6 would be available to severely physically disabled individuals.
- 7 (3) The role of the Division of Vocational Rehabilitation of the
8 Department of Health and Human Services in providing educational
9 assistance at public and private universities or secondary schools that
10 was, or currently is, available to severely physically disabled
11 individuals.
- 12 (4) Whether the Division of Vocational Rehabilitation of the Department
13 of Health and Human Services could provide for the personal care of
14 severely physically disabled students at one or more constituent
15 institutions of The University of North Carolina.
- 16 (5) The desirability and feasibility of making the facilities of one
17 constituent institution accessible to severely physically disabled
18 students.
- 19 (6) The estimated costs of making the facilities of one constituent
20 institution accessible to severely physically disabled students and
21 providing for the personal care of severely physically disabled students
22 at this institution.
- 23 (7) Whether the Illinois program to support its physically disabled
24 population at its state universities offers any guidance to North
25 Carolina.
- 26 (8) Any other issues the Board of Governors deems pertinent to its study
27 under this section.

28 **SECTION 22.2.** The Board of Governors of The University of North
29 Carolina shall submit a report of its study to the Fiscal Research Division and to the
30 Joint Legislative Education Oversight Committee, including its findings,
31 recommendations, and any legislative proposals, on or before February 1, 2009.
32

33 **PART XXIII. DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION**
34 **TO STUDY THE EFFECTIVENESS OF GEOGRAPHY EDUCATION IN**
35 **MIDDLE AND HIGH SCHOOLS (H.B. 2171 – GLAZIER,**
36 **FARMER-BUTTERFIELD)**
37

38 **SECTION 23.1.** The Department of Public Instruction shall study the
39 effectiveness of geography education in middle schools and high schools and shall
40 consider potential changes to geography education. The Department of Public
41 Instruction shall report the results of this study, including any recommended changes to
42 geography education, to the Joint Legislative Education Oversight Committee on or
43 before January 15, 2009.
44

1 **PART XXIV. DIRECTING THE STATE BOARD OF EDUCATION TO**
2 **CONDUCT A STUDY TO DEVELOP A FRAMEWORK FOR A NORTH**
3 **CAROLINA BOARD CERTIFICATION PROCESS FOR PRINCIPALS AND**
4 **ASSISTANT PRINCIPALS (H.B. 2513 – Cotham)**

5
6 **SECTION 24.1.** The State Board of Education, in cooperation with the
7 Board of Governors of The University of North Carolina, shall conduct a study to
8 develop a framework for a North Carolina Board Certified Principal and Assistant
9 Principal Program (Program). The purpose of the Program shall be (i) to strengthen the
10 leadership and professional skills of principals and assistant principals, (ii) to assist with
11 the State's efforts to attract and retain highly qualified school leaders, and (iii) to
12 enhance the learning environment in public schools to promote student achievement.

13 **SECTION 24.2.** In developing the framework, the State Board of Education
14 and the Board of Governors shall consult with the Center for School Leadership
15 Development, the Principals Executive Program, the North Carolina Association of
16 School Administrators, the N. C. Principals/Assistant Principals Association, Inc., and
17 the National Board for Professional Teaching Standards.

18 **SECTION 24.3.** As part of its study, the State Board of Education shall
19 ensure that the framework for the Program:

- 20 (1) Aligns continued professional development with the North Carolina
21 Standards for School Executives.
- 22 (2) Supports the development of principals and assistant principals as 21st
23 century leaders.
- 24 (3) Models the principal certification program after the teacher
25 certification program developed by the National Board for
26 Professional Teaching Standards.
- 27 (4) Addresses the growing shortage of highly qualified leaders in North
28 Carolina public schools by recommending strategies to attract and
29 retain principals and assistant principals.
- 30 (5) Provides principals and assistant principals who have successfully
31 participated in the program with a supplementary salary incentive
32 commensurate with the increased demands and responsibilities of the
33 principalship.

34 **SECTION 24.4.** The State Board of Education shall develop a process to
35 evaluate the effectiveness of the Program.

36 **SECTION 24.5.** The State Board of Education shall deliver a draft proposed
37 framework to the Joint Legislative Education Oversight Committee by December 1,
38 2008, and report on the cost of implementing the Program for the 2009-2010 fiscal year.
39

40 **PART XXV. STATE BOARD OF EDUCATION TO STUDY K-12 PHYSICAL**
41 **EDUCATION IN THE PUBLIC SCHOOLS (H.B. 2592 – Bell)**

42
43 **SECTION 25.1.** The State Board of Education shall study the current status
44 of K-12 physical education in North Carolina. Each local school administrative unit

1 shall collect baseline data at the individual school level and report the baseline data to
2 the Department of Public Instruction for analysis. At a minimum, the baseline data shall
3 include:

- 4 (1) Minutes in physical education on a weekly basis throughout the school
5 year for every school.
- 6 (2) Number of physical education classes per week throughout the school
7 year for every school.
- 8 (3) Average physical education class size for every school.
- 9 (4) Student Body Mass Index (BMI) data for a statistically valid random
10 sample of students of various ages from all 100 counties.
- 11 (5) Nutrition and physical activity knowledge and behaviors of the same
12 random sample of students.

13 The baseline BMI data shall not be self-reported by students or parents but shall be
14 collected by a trained professional such as a school nurse or physical education teacher.
15 The data shall be compiled in a single, statewide, publicly accessible database hosted by
16 an entity approved by the Department of Public Instruction. Ideally, the data will be
17 made available in a manner that can be sorted by individual school, local school
18 administrative unit, and county. Local school administrative units shall seek guidance
19 from the Department of Public Instruction in determining the appropriate sample size
20 for the BMI data.

21 The State Board of Education shall report the findings of the study to the
22 Joint Legislative Education Oversight Committee on or before December 1, 2008.

23
24 **PART XXVI. DIRECT THE DEPARTMENT OF TRANSPORTATION TO**
25 **STUDY PIEDMONT AND NORTHERN RAILWAY LINE IN GASTON**
26 **COUNTY TO DETERMINE THE COST OF BRINGING THE FULL LINE**
27 **BACK INTO SERVICE (H.B. 2547 – Neumann, Clary, Current)**

28
29 **SECTION 26.1.** The Department of Transportation is directed to study the
30 Piedmont & Northern Railway line in Gaston County to determine the cost to bring the
31 full line back into operation. The Department shall report its findings to the Joint
32 Legislative Transportation Oversight Committee on or before January 15, 2009.

33
34 **PART XXVII. DIRECT THE DEPARTMENT OF TRANSPORTATION TO**
35 **STUDY AMENDING ITS STANDARDS FOR PLACEMENT OF SOUND**
36 **BARRIERS IN ORDER TO PROTECT RESIDENTIAL COMMUNITIES**
37 **LOCATED NEAR ITS FACILITIES (H.B. 2730 – T. Harrell, Harrison,**
38 **Samuelson, Avila)**

39
40 **SECTION 27.1.** The Department of Transportation shall study the feasibility
41 of amending its standards for construction of sound barriers to allow construction of
42 sound barriers along existing highways that generate a significant noise impact, in order
43 to mitigate the impact of noise on residential communities adjacent to those highways.

1 **SECTION 27.2.** The Department shall report the findings of its study,
2 including costs associated with changing the standard and potential sources of funds for
3 additional sound barrier construction, to the Joint Legislative Transportation Oversight
4 Committee by March 1, 2009.

5
6 **PART XXVIII. Reserved**

7
8 **PART XXIX. Reserved**

9
10 **PART XXX. NORTH CAROLINA FILM OFFICE OF THE DEPARTMENT OF**
11 **COMMERCE TO DEVELOP PLAN TO CREATE FILM PRODUCTION**
12 **FACILITIES IN THE STATE (Garrou)**

13
14 **SECTION 30.1.** The North Carolina Film Office of the Department of
15 Commerce shall, in consultation with the Film School of the North Carolina School of
16 the Arts and industry leaders, develop a plan for the State to partner with the film
17 industry to create production facilities in North Carolina. The Film Office shall report
18 to the Joint Legislative Commission on Governmental Operations on the plan by
19 January 1, 2009.

20
21 **PART XXXI. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY**
22 **ISSUES RELATING TO ACCESS TO HEALTH CARE**

23
24 **SECTION 31.1.** The North Carolina Institute of Medicine shall convene a
25 panel to continue to study issues related to access to appropriate and affordable health
26 care for all North Carolinians.

27 **SECTION 31.2.** The Institute shall report to the Joint Legislative Health
28 Care Oversight Committee, the House of Representatives Appropriations Subcommittee
29 on Health and Human Services, the Senate Appropriations Committee on Health and
30 Human Services, and the General Assembly, and may recommend legislation to the
31 General Assembly. No later than January 15, 2009, the Institute shall make
32 recommendations on the following:

- 33 (1) Previous studies by the Institute.
34 (2) Other relevant current studies by the Institute.
35 (3) Analysis of successful efforts in other states to improve access and
36 affordability to health care.
37 (4) Analysis of relevant federal initiatives.

38 In developing the proposed recommendations, the Institute of Medicine shall
39 not study issues related to scope of practice and professional licensing. The Institute
40 shall seek the advice and consultation of State and national experts in health care
41 economics, health care systems development, health care delivery, health care access,
42 indigent health care, medical education, health care finance, and other relevant areas of
43 expertise. The Institute shall report its recommendations to the Joint Legislative Health
44 Care Oversight Committee no later than January 15, 2009.

1 **SECTION 31.3.** In the event members of the General Assembly serve on
2 this panel, they shall receive per diem, subsistence, and travel allowances in accordance
3 with G.S. 120-3.1.
4

5 **PART XXXII. NORTH CAROLINA INSURANCE UNDERWRITING**
6 **ASSOCIATION, THE NORTH CAROLINA JOINT UNDERWRITING**
7 **ASSOCIATION AND THE NORTH CAROLINA RATE BUREAU STUDY THE**
8 **ABILITY OF THE NORTH CAROLINA INSURANCE UNDERWRITING**
9 **ASSOCIATION TO RESPOND FINANCIALLY TO A SIGNIFICANT**
10 **HURRICANE IN THIS STATE**
11

12 **SECTION 32.1.** The President Pro Tempore of the Senate and the Speaker of
13 the House of Representatives shall appoint a committee to study the potential impact of
14 Category 3, 4 and 5 hurricanes on the North Carolina insurance market and to make
15 recommendations to the General Assembly. The Committee shall include at least one
16 representative from the Department of Insurance, the North Carolina Insurance
17 Underwriting Association, the North Carolina Joint Underwriting Association, and the
18 North Carolina Rate Bureau, and at least one member representing a national insurer,
19 one representing a regional insurer and one member representing a domestic insurer.
20

21 **SECTION 32.2.** The study shall consider the potential impact of Category 3,
22 4 and 5 hurricanes on the North Carolina insurance market including: the ability of the
23 North Carolina Insurance Underwriting Association and the North Carolina Joint
24 Underwriting Association to pay claims, reinsurance purchases by the North Carolina
25 Insurance Underwriting Association and the North Carolina Joint Underwriting
26 Association, other potential financing options, assessments on the private market, and
27 options for recoupment of assessments by the private market. The study shall also
28 consider residual market experience and assessment structures in other states as a basis
29 for comparison, land use issues, mitigation issues, and may consider any other factors
30 deemed relevant by the appointed study committee representatives.
31

32 **SECTION 32.3.** The study committee shall report the findings and
33 recommendations to the General Assembly on or before February 1, 2009.
34

35 **PART XXXIII. STUDY THE ROLE THAT REGIONAL EDUCATION**
36 **SERVICE CENTERS THAT ARE CREATED WITHIN THE DEPARTMENT**
37 **OF PUBLIC INSTRUCTION COULD PLAY IN THE DELIVERY OF**
38 **PROFESSIONAL DEVELOPMENT THROUGHOUT THE STATE (S.B. 1764 –**
39 **Swindell)**
40

41 **SECTION 33.1.** The Joint Legislative Education Oversight Committee shall
42 contract with a credible independent source, individual, or organization to study the
43 roles that regional education service centers created within the Department of Public
44 Instruction could play in the delivery of professional development throughout the State.
The contractor shall not be an employee or independent contractor of any organization
that delivers professional development to teachers in North Carolina.

1 **SECTION 33.2.** The study by the contractor shall:

- 2 (1) Examine regional education service center models in other states;
3 (2) Provide qualitative and quantitative data on the effectiveness of the
4 models in other states;
5 (3) Include input from consultants at the Department of Public Instruction
6 and teachers and administrators from at least 15 local school
7 administrative units that are of different sizes and from different
8 geographic regions of the State; and

9 **SECTION 33.3.** The contractor's report shall:

- 10 (1) Adequately reflect the study's methodology, sources of information,
11 purpose and scope, analyses, evaluative assessments,
12 recommendations, and conclusions;
13 (2) State any known deficiencies or limitations of the study;
14 (3) Be presented in both a printed form and an electronic version; and
15 (4) Provide recommendations on the roles that regional education service
16 centers created within the Department of Public Instruction could play
17 in the delivery of professional development throughout the State.

18 **SECTION 33.4.** The contractor shall submit a written progress report every
19 four weeks to the Joint Legislative Education Oversight Committee. The contractor
20 shall complete the report within four months. At the completion of the study, the
21 contractor shall submit a draft of the report document to the Joint Legislative Education
22 Oversight Committee for review. Within 30 days of completing the study, the
23 contractor shall submit a final report to the Joint Legislative Education Oversight
24 Committee. The Joint Legislative Education Oversight Committee may, in its
25 discretion, schedule a formal presentation of the report when it is submitted.

26
27 **PART XXXIV. CONTINUE THE JOINT LEGISLATIVE STUDY COMMITTEE**
28 **ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT**
29 **RECOVERY (S.B. 1780 – Nesbitt; H.B. 2431 – Martin, Glazier, McComas,**
30 **Wainwright)**

31
32 **SECTION 34.1.** The Joint Select Committee on Emergency Preparedness
33 and Disaster Management Recovery is established. The Committee consists of 30
34 members, 15 of whom are appointed by the President Pro Tempore of the Senate and 15
35 of whom are appointed by the Speaker of the House of Representatives. The President
36 Pro Tempore of the Senate and the Speaker of the House of Representatives shall each
37 appoint a Cochair of the Committee. A Cochair or other member of the Committee
38 continues to serve until a successor is appointed. A vacancy shall be filled within 30
39 days by the officer who made the original appointment. Members serve at the pleasure
40 of the appointing officer.

41 **SECTION 34.2.** The Committee shall study issues related to emergency
42 preparedness and disaster management recovery, including:

- 1 (1) Whether the State building code sufficiently addresses issues related to
2 commercial and residential construction in hurricane and flood prone
3 areas.
- 4 (2) The public health infrastructure in place to respond to natural and
5 nonnatural disasters, including pandemic flu preparation and response.
6 A study of the pandemic flu preparation and response should include
7 an assessment of potential threat; funding and mechanisms needed to
8 produce and distribute a vaccine for the avian flu; review of quarantine
9 and isolation laws and processes; coordination issues for local and
10 State public health officials; coordination between State departments
11 of public health, crime control and public safety, and agriculture;
12 establishment of public education infrastructure for any necessary
13 emergency vaccination program; assessment of needs of public health
14 infrastructure; and hospital capacity to respond.
- 15 (3) Hurricane preparedness, evacuation, and response.
- 16 (4) Energy security, including: identifying the State's energy profile;
17 determining the State's essential energy facilities and their
18 connections; evaluating potential threats and the possible
19 consequences of disruptive events; reviewing long-term strategies;
20 outlining strategies for communication to the media and public;
21 offering response options for each type of emergency; identifying the
22 response measures and options that industry and government can take;
23 coordinating local, State, and federal level issues; ensuring protection
24 from cyber attack of computer control systems; and monitoring of
25 State's energy supply.
- 26 (5) Bioterrorism preparedness and response.
- 27 (6) Flood and natural disaster preparation and response.
- 28 (7) Any other topic the Committee believes is related to its purpose.

29 **SECTION 34.3.** The Committee shall meet upon the call of its House and
30 Senate Cochairs. A quorum of the Committee shall be a majority of its members. The
31 Committee may be organized into subcommittees in order to facilitate discussion and to
32 develop recommendations on the several important specialized issues for statewide
33 consideration.

34 **SECTION 34.4.** The Committee, while in discharge of its official duties,
35 may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120
36 of the General Statutes. The Committee may contract for professional, clerical, or
37 consultant services as provided by G.S. 120-32.02.

38 **SECTION 34.5.** Members of the Committee shall receive per diem,
39 subsistence, and travel allowance as provided in G.S. 120-3.1, 138-5, or 138-6, as
40 appropriate. The expenses of the Committee shall be considered expenses incurred for
41 the joint operation of the General Assembly. Individual expenses of five thousand
42 dollars (\$5,000) or less, including per diem, travel, and subsistence expenses of
43 members of the Committee, and clerical expenses shall be paid upon the authorization
44 of a Cochair of the Committee. Individual expenses in excess of five thousand dollars

1 (\$5,000) shall be paid upon the written approval of the President Pro Tempore of the
2 Senate and the Speaker of the House of Representatives. All expenses of the
3 Committee shall be paid from the Legislative Services Commission's Reserve for
4 Studies.

5 **SECTION 34.6.** With approval of the Legislative Services Commission, the
6 Legislative Services Officer shall assign professional and clerical staff to assist the
7 Committee in its work. The House of Representatives' and the Senate's Directors of
8 Legislative Assistants shall assign clerical support staff to the Committee. The
9 Committee may meet at various locations around the State in order to promote greater
10 public participation in its deliberations. The Legislative Services Commission shall
11 grant adequate meeting space to the Committee in the State Legislative Building or the
12 Legislative Office Building.

13 **SECTION 34.7.** The Committee may submit an interim report on the results
14 of its study, including any proposed legislation, at any time. The Committee shall
15 submit a final report on the results of its study, including any proposed legislation, to
16 the General Assembly, on or before December 31, 2009. The Committee shall file a
17 copy of each Committee report with the President Pro Tempore's office, the Speaker's
18 office, and the Legislative Library. The Committee shall terminate on December 31,
19 2009, or upon the filing of its final report, whichever occurs first.

20
21 **PART XXXV. CHANGE REPORTING REQUIREMENTS OF THE JOINT**
22 **LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH**
23 **SCHOOL GRADUATION (S.B. 1806 – Malone)**

24
25 **SECTION 35.1.** Section 7.32 (f)(8) of S.L. 2007-323 reads as rewritten:

26 "(8) The Commission ~~may submit an interim report, including any~~
27 ~~recommendations and proposed legislation, to the Joint Legislative~~
28 ~~Education Oversight Committee and the General Assembly by May 1,~~
29 ~~2008, and shall submit a final~~ an interim written report of its findings
30 and recommendations on or before the convening of the 2009 Session
31 of the General Assembly. The Commission may submit an interim
32 report, including any recommendations and proposed legislation, to the
33 Joint Legislative Education Oversight Committee and the General
34 Assembly by May 1, 2010, and shall submit a final written report of its
35 findings and recommendations on or before the convening of the 2011
36 Session of the General Assembly. All reports shall be filed with the
37 President Pro Tempore of the Senate, the Speaker of the House of
38 Representatives, and the Legislative Librarian. Upon filing its final
39 report, the Commission shall terminate."

40
41 **PART XXXVI. LEGISLATIVE STUDY COMMISSION ON URBAN GROWTH**
42 **AND INFRASTRUCTURE ISSUES (S.B. 1841 – McKissick)**
43

1 **SECTION 36.1.** There is created the Legislative Study Commission on
2 Urban Growth and Infrastructure Issues. The purpose of the Commission is to
3 determine what measures the General Assembly may take to foster regional water
4 resource and transportation planning, incentive-based local land use planning, and more
5 responsive and cost-effective planning to accommodate rapid population growth in
6 North Carolina's urban areas.

7 **SECTION 36.2.** The Commission shall consist of 14 members as follows:

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

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

11 (3) Four members representing North Carolina's urban areas appointed
12 jointly by the Speaker of the House of Representatives and the
13 President Pro Tempore of the Senate, including at least one member
14 from Wake, Durham, or Orange County, one member from Forsyth or
15 Guilford County, and one member from Mecklenburg County.

16 **SECTION 36.3.** The Speaker of the House of Representatives shall designate
17 one Representative as cochair, and the President Pro Tempore of the Senate shall
18 designate one Senator as cochair. Vacancies on the Commission shall be filled by the
19 same appointing authority that made the initial appointment.

20 **SECTION 36.4.** The Commission shall study the following issues relating to
21 urban growth and infrastructure:

22 (1) Options for fostering regional planning for water and transportation
23 infrastructure.

24 (2) Strategies (including additional local land use regulatory tools) for
25 encouraging the use of incentive-based planning by urban area local
26 governments.

27 (3) Strategies to help urban communities maximize the benefits of growth
28 and cope with the challenges presented by rapid growth in population,
29 school enrollment, vehicle miles traveled on urban roads and
30 highways, and related demands for other public services while
31 preserving a viable economic climate and building greater regional
32 cooperation.

33 (4) Any other matters the Commission considers necessary in furtherance
34 of the purpose for which it is established.

35 **SECTION 36.5.** The Commission, while in the discharge of its official
36 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
37 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the
38 cochairs. The Commission may meet in the Legislative Building or the Legislative
39 Office Building.

40 With approval of the Legislative Services Commission, the Legislative
41 Services Officer shall assign professional staff to assist the Commission in its work. The
42 House of Representatives' and the Senate's Directors of Legislative Assistants shall
43 assign clerical staff to the Commission, and the expenses relating to the clerical
44 employees shall be borne by the Commission. The Commission may contract for

1 professional, clerical, or consultant services as provided by G.S. 120-32.02. If the
2 Commission hires a consultant, the consultant shall not be a State employee or a person
3 currently under contract with the State to provide services.

4 All State departments and agencies and local governments and their
5 subdivisions shall furnish the Commission with any information in their possession or
6 available to them.

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 Directors 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.

12 **SECTION 36.6.** The Commission shall report the results of its study and its
13 recommendations to the 2009 General Assembly upon its convening.

14
15 **PART XXXVII. DIRECTING THE JOINT LEGISLATIVE STUDY**
16 **COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS TO EXTEND**
17 **ITS REVIEW OF PUBLIC SCHOOL FUNDING (S.B. 1993 – Swindell)**
18

19 **SECTION 37.1.** The Joint Legislative Study Committee on Public School
20 Funding Formulas may review the implementation of any modifications to school
21 funding formulas that are enacted by the General Assembly upon the recommendation
22 of the Committee and shall evaluate the impact of those modifications.

23 **SECTION 37.2.** The Committee may report to the General Assembly at
24 least once a year on its activities.

25 **SECTION 37.3.** The Committee shall terminate upon completion of its
26 evaluation of modifications to public school funding formulas.

27
28 **PART XXXVIII. Reserved**
29

30 **PART XXXIX. JOINT LEGISLATIVE STUDY COMMITTEE ON CIVIL**
31 **COMMITMENT OF SEXUAL PREDATORS WHO ARE DETERMINED TO BE**
32 **INCAPABLE OF PROCEEDING TO TRIAL (Glazier)**
33

34 **SECTION 39.1.** There is created the Joint Legislative Study Committee on
35 Civil Commitment of Sexual Predators Who Are Determined to be Incapable of
36 Proceeding to Trial. The Committee shall consist of 10 members to be appointed as
37 follows: the Speaker of the House of Representatives shall appoint five members of the
38 House of Representatives and the President Pro Tempore of the Senate shall appoint
39 five members the Senate.

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 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 39.2.** The Committee shall study the State's current laws
14 regarding defendants who are determined to be incapable of proceeding to trial and the
15 State's current laws regarding involuntary commitment. The Committee shall further
16 consider whether these laws adequately and appropriately address the public safety
17 issues raised by certain defendants who are: (i) charged with committing a sex offense
18 against a child, (ii) found incapable of proceeding to trial, and (iii) do not meet the
19 criteria for involuntary commitment. In its study, the Committee shall review
20 legislation adopted by other states addressing these issues. The Committee may also
21 consider any other issues it deems relevant to this study.

22 **SECTION 39.3.** The Committee shall make a final report of its findings and
23 recommendations to the 2009 General Assembly.

24
25 **PART XL. STUDY COMMISSION ON COMPENSATION OF THE**
26 **GOVERNOR'S CABINET AND STATE ELECTED OFFICIALS**
27

28 **SECTION 40.1.** There is created the Study Commission on Compensation
29 of the Governor's Cabinet and State Elected Officials to study whether compensation is
30 fair and appropriate and whether such officials are paid according to the duties of their
31 offices so that citizens of the highest quality may be attracted to public service. In
32 conducting the study, the Commission shall study compensation of like officials in other
33 states, as well as any other relevant matters, in order to make recommendations on this
34 topic.

35 **SECTION 40.2.** The Commission shall consist of 18 members as follows:

- 36 (1) Five members of the Senate appointed by the President Pro
37 Tempore of the Senate.
38 (2) Five members of the House of Representatives appointed by the
39 Speaker of the House of Representatives.
40 (3) Four members appointed by the President Pro Tempore of the
41 Senate to include at least one representative of business and
42 industry in the private sector and at least one individual with
43 expertise in personnel and human resources compensation
44 matters.

- 1 (4) Four members appointed by the Speaker of the House of
2 Representatives to include at least one representative of
3 business and industry in the private sector and at least one
4 individual with expertise in personnel and human resources
5 compensation matters.

6 Vacancies on the Commission shall be filled by the appointing authority. The
7 President Pro Tempore of the Senate and the Speaker of the House of Representatives
8 shall each designate a co-chair. A quorum of the Commission shall be ten members.

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

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

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

25 **SECTION 40.3.** The Commission shall make a final report, including any
26 proposed legislation, to the 2009 General Assembly by January 15, 2009. The
27 Commission shall terminate upon filing its final report or on January 15, 2009,
28 whichever is earlier.

29
30 **PART XLI. CREATING THE POVERTY REDUCTION AND ECONOMIC**
31 **RECOVERY LEGISLATIVE STUDY COMMISSION (H.B. 2687 – Pierce,**
32 **Bryant)**
33

34 **SECTION 41.1.** The General Assembly finds that poverty in this State is
35 widespread, especially in rural areas and other areas that have lost significant numbers
36 of agricultural and manufacturing jobs. Further, the General Assembly finds that an
37 understanding of the causes and effects of poverty are critical in the reduction of
38 poverty and the economic recovery of low-wealth areas. To that end, there is created the
39 Poverty Reduction and Economic Recovery Legislative Study Commission.

40 **SECTION 41.2.** The Commission shall consist of 20 voting members
41 appointed as follows:

- 42 (1) Ten members appointed by the Speaker of the House of
43 Representatives, to include:
44 a. Seven members of the House of Representatives.

- 1 b. Three members of the general public, including persons with
- 2 expertise in the fields of business and economic development,
- 3 public health, and affordable housing.
- 4 (2) Ten members appointed by the President Pro Tempore of the Senate,
- 5 to include:
- 6 a. Seven members of the Senate.
- 7 b. Three members of the general public, including persons with
- 8 expertise in the fields of education, public safety, and child
- 9 welfare.

10 **SECTION 41.3.** The President Pro Tempore of the Senate and the Speaker
 11 of the House of Representatives may by mutual agreement vary the size and
 12 membership of the Commission.

13 **SECTION 41.4.** The Commission shall also include the following nonvoting,
 14 ex-officio members:

- 15 (1) The Commissioner of Labor, or that officer's designee.
- 16 (2) The Superintendent of Public Instruction, or that officer's designee.
- 17 (3) The Secretary of the Department of Health and Human Services, or
- 18 that officer's designee.
- 19 (4) The Secretary of the Department of Transportation, or that officer's
- 20 designee.
- 21 (5) The Secretary of the Department of Juvenile Justice and Delinquency
- 22 Prevention, or that officer's designee.
- 23 (6) The Secretary of the Department of Commerce, or that officer's
- 24 designee.
- 25 (7) The Chairman of the Employment Security Commission, or that
- 26 officer's designee.

27 **SECTION 41.5.** The Commission shall:

- 28 (1) Study and develop a coordinated, integrated approach to poverty
- 29 reduction and economic recovery across the State.
- 30 (2) Examine poverty in each region of the State with an emphasis on the
- 31 following counties: Alleghany, Avery, Bladen, Columbus,
- 32 Edgecombe, Graham, Halifax, Hoke, Northampton, Robeson,
- 33 Scotland, Tyrrell, Warren, Watauga, and Yancey.
- 34 (3) Examine other states' evidenced-based intervention methods and best
- 35 practices in poverty reduction and economic recovery.
- 36 (4) Study any other matter pertinent to poverty reduction and economic
- 37 recovery in North Carolina.

38 **SECTION 41.6.** The Speaker of the House of Representatives and the
 39 President Pro Tempore of the Senate shall each appoint a cochair for the Commission.
 40 The Commission may contract for consultant services as provided by G.S. 120-32.02.
 41 Upon approval of the Legislative Services Commission, the Legislative Services Officer
 42 shall assign professional and clerical staff to assist in the work of the Commission.
 43 Clerical staff shall be furnished to the Commission through the offices of the House of
 44 Representatives and the Senate Directors of Legislative Assistants. The Commission

1 may meet in the Legislative Building or the Legislative Office Building upon the
2 approval of the Legislative Services Commission. Members of the Commission shall
3 receive per diem, subsistence, and travel allowances at the rate established in
4 G.S. 120-3.1, 138-5, or 138-6, as appropriate. The appointing authority shall fill
5 vacancies.

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

12 **SECTION 41.7.** The Commission shall submit its final report by the 2010
13 Regular Session of the 2009 General Assembly and may make interim reports it deems
14 necessary. The Commission's final report shall include the results of the Commission's
15 review and specific legislative recommendations. The Commission shall terminate upon
16 filing its final report, or upon the convening of the 2010 Regular Session of the 2009
17 General Assembly, whichever occurs first.

18
19 **PART XLII. STUDY THE IMPACT OF PARTITION SALES OF REAL**
20 **PROPERTY ON THE ECONOMIC USE AND LOSS OF HEIR PROPERTY**
21 **AND FARMLAND BY HEIRS IN NORTH CAROLINA (H.B. 1527 – Bryant,**
22 **Farmer-Butterfield, Allen, Harrison)**

23
24 **SECTION 42.1.** There is created the Partition Sales Study Committee to
25 address the issue of the impact of the partition sale procedures on the economic use and
26 loss of heir property and farmland by heirs in North Carolina.

27 **SECTION 42.2.** The Committee shall be comprised of 18 members as
28 follows:

- 29 (1) Nine members appointed by the Speaker of the House of
30 Representatives as follows:
31 (a) Five members of the House of Representatives.
32 (b) A Clerk of Superior Court.
33 (c) Three members of the public with an expertise or stakeholder
34 interest in the issue.
- 35 (2) Nine members appointed by the President Pro Tempore of the Senate
36 as follows:
37 (a) Five members of the Senate.
38 (b) A Clerk of Superior Court.
39 (c) Three members of the public with an expertise or stakeholder
40 interest in the issue.

41 The Speaker of the House of Representatives and the President Pro Tempore
42 of the Senate shall each designate a cochair of the Committee. A quorum of the
43 Committee shall be a majority of its members. The Committee shall meet upon the joint
44 call of the cochairs.

1 **SECTION 42.3.** The Committee shall study the laws and procedures
2 concerning partition sales in North Carolina and how these laws affect landowners in
3 the State, examining both the effectiveness and equity of the current law and exploring
4 potential alternatives. Specifically, the Committee shall:

- 5 (1) Review information about partition sales and examine current trends in
6 partition sales in the State, especially related to sales initiated by
7 strangers in interest to heirs or related cotenants.
- 8 (2) Analyze research and information from North Carolina and other states
9 and jurisdictions regarding the effect of partition laws on desired land
10 retention and economic development.
- 11 (3) Analyze information concerning the comparative frequency of
12 partition sales vs. partition-in-kind in North Carolina.
- 13 (4) Identify and assess alternative partition sales laws from other states.
- 14 (5) Explore how best to balance competing interests of the tenants in
15 common in the partition sales context.
- 16 (6) Identify and consult with academics who have studied partition sales
17 nationally to determine their recommendations concerning best
18 practices in partition proceedings.
- 19 (7) Identify current barriers to the adoption of best practices
20 recommendations and to alternative laws adopted by other states and
21 potential options to address these barriers.
- 22 (8) Prepare a report with a statement of the issues and a summary of the
23 research including the Committee's recommendations concerning any
24 needed improvements and draft legislation to address any inequities
25 presented by partition sales in North Carolina.

26 **SECTION 42.4.** Members of the Committee shall receive per diem,
27 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
28 appropriate. Upon the prior approval of the Legislative Services Commission, the
29 Legislative Services Officer shall assign professional and clerical staff to the Committee
30 to aid in its work. The Committee may contract for professional, clerical, or consultant
31 services as provided by G.S. 120-32.02. Subject to the approval of the Legislative
32 Services Commission, the Committee may meet in the Legislative Building or the
33 Legislative Office Building. The Committee, while in the discharge of its official duties,
34 may exercise all the powers provided under the provisions of G.S. 120-19 and
35 G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents,
36 agencies, and departments of the State to provide any information, data, or documents
37 within their possession, ascertainable from their records, or otherwise available to them
38 and the power to subpoena witnesses.

39 **SECTION 42.5.** The Committee shall submit a final report of the results of
40 its study, including any legislative recommendations, to the 2009 General Assembly no
41 later than March 1, 2009. The Committee shall terminate on March 1, 2009, or upon the
42 filing of its final report, whichever occurs first.

43
44 **PART XLIII. Reserved**

1
2 **PART XLIV. JOINT LEGISLATIVE STUDY COMMISSION ON STATE**
3 **GUARDIANSHIP LAWS (H.B. 2379 – Farmer-Butterfield)**
4

5 **SECTION 44.1.** There is created the Joint Legislative Study Commission on
6 State Guardianship Laws. The purpose of the Commission is to review State law
7 pertaining to guardianship and its relationship to other pertinent State laws such as the
8 health care power of attorney, the right to a natural death, and durable power of
9 attorney.

10 **SECTION 44.2.** The Commission shall consist of 19 members as follows:

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

36 In addition, representatives designated by the following organizations shall
37 serve as advisory, nonvoting members of the Commission:

- 38 a. The North Carolina Bar Association.
- 39 b. The Arc of North Carolina.
- 40 c. The North Carolina Guardianship Association.
- 41 d. The Alzheimer's Association – Western North Carolina
42 Chapter.
- 43 e. The Alzheimer's Association – Eastern North Carolina Chapter.

- 1 f. The Protection and Advocacy for Individuals with Mental
- 2 Illness Advisory Council (PAIMI).
- 3 g. Area Agencies on Aging.
- 4 h. County Departments on Aging.
- 5 i. The North Carolina Hospital Association.
- 6 j. A county director of mental health, developmental disabilities,
- 7 and substance abuse services.

8 The Speaker of the House of Representatives shall designate one
9 Representative as cochair, and the President Pro Tempore of the Senate shall designate
10 one Senator as cochair. Vacancies on the Commission shall be filled by the same
11 appointing authority who made the initial appointment.

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

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

25 **SECTION 44.3.** In conducting the study, the Commission shall consider
26 issues related to guardianship for incompetent persons and minors including, but not
27 limited to, the following:

- 28 (1) Whether guardianship should be a remedy of last resort used only if
29 less restrictive alternatives are insufficient.
- 30 (2) The definition of incompetency or, if appropriate, incapacity.
- 31 (3) Whether courts should be required to make express findings regarding
32 the extent of a person's incapacity and limit the scope of the
33 guardianship accordingly.
- 34 (4) Legal rights retained or lost as a result of being adjudicated
35 incompetent.
- 36 (5) The role of public human services agencies in providing guardianship
37 services.
- 38 (6) Legal procedures and protections in guardianship proceedings.
- 39 (7) Public monitoring of guardianship.
- 40 (8) Examination of current training resources and the possible
41 collaboration and coordination of current training resources for all
42 stakeholders, including family members, individuals, corporate
43 guardians, and public agencies.

- 1 (9) Certification of all guardians and adoption of standards of practice for
2 guardians.
- 3 (10) Educating citizens with respect to guardianship and alternatives to
4 guardianship.
- 5 (11) Powers, duties, and liabilities of guardians, including guardians of the
6 person.
- 7 (12) Creation of an Office of Public Guardian.
- 8 (13) Public guardianship, including the provision and funding of public
9 guardianship services, treatment of disinterested public agent
10 guardians, priorities regarding appointment of individuals,
11 corporations, and public guardians, and possible conflicts of interest
12 with the appointment of certain disinterested public agent guardians.
- 13 (14) Funding for guardianship services provided by nonprofit agencies,
14 including the need of current corporate guardians for additional
15 resources in providing services to wards.
- 16 (15) Implementation of additional corporate guardianship programs.
- 17 (16) Enactment of the Uniform Guardianship and Protective Proceedings
18 Act (UGPPA) or similar revisions to Chapter 35A of the General
19 Statutes.
- 20 (17) Jurisdictional provisions governing incompetency and guardianship
21 proceedings and portability of guardianship for foreign guardians.
- 22 (18) Role of court-appointed lawyers and guardians ad litem in
23 guardianship proceedings to ensure adequate representation of
24 respondents.
- 25 (19) Whether guardianship statutes need revision to provide greater
26 protection of the health and welfare of incapacitated adults.
- 27 (20) Whether the State should track the number of people under private
28 guardianship and, if so, proposed methods for the tracking.
- 29 (21) Prudent investor rules.
- 30 (22) Review of the State's adult protective services law.

31 **SECTION 44.4.** The Legislative Study Commission on State Guardianship
32 Laws may make its final report to the 2009 General Assembly, prior to its convening.
33 The Commission shall expire upon delivering its final report, or upon the convening of
34 the 2009 General Assembly, whichever occurs first.

35 **SECTION 44.5.** All State departments and agencies and local governments
36 and their subdivisions shall furnish the Commission with any information in their
37 possession or available to them.

38
39 **PART XLV. LEGISLATIVE STUDY COMMISSION TO REVIEW THE**
40 **BENEFITS PROVIDED THROUGH THE NORTH CAROLINA NATIONAL**
41 **GUARD PENSION FUND (S.B. 888 – Atwater)**
42

43 **SECTION 45.1.** There is established the North Carolina National Guard
44 Pension Fund Study Commission to examine the current status of the North Carolina

1 National Guard Pension Fund authorized by Article 3 of Chapter 127A of the General
2 Statutes. The Commission shall consider, but is not limited to, the following issues:

- 3 (1) The actuarial condition of the Fund and measures that might be taken
4 by the General Assembly to ensure the long-term solvency of the
5 Fund.
- 6 (2) Changes to the minimum and maximum monthly benefits that are paid
7 from the Fund.
- 8 (3) Changes to the eligibility requirements, including the minimum age for
9 receiving benefits and minimum years of creditable military service.

10 **SECTION 45.2.** The Commission shall consist of 11 members appointed as
11 follows:

- 12 (1) Five members of the Senate appointed by the President Pro Tempore
13 of the Senate.
- 14 (2) Five members of the House appointed by the Speaker of the House of
15 Representatives.
- 16 (3) One member representing the national guard, recommended by the
17 Governor and jointly appointed by the President Pro Tempore of the
18 Senate and the Speaker of the House of Representatives.

19 **SECTION 45.3.** Upon approval of the Legislative Services Commission, the
20 Legislative Services Officer shall assign professional and clerical staff to assist in the
21 work of the Commission. Clerical staff shall be furnished to the Commission through
22 the offices of the House of Representatives and Senate Directors of Legislative
23 Assistants. The Commission may meet in the Legislative Building or the Legislative
24 Office Building upon the approval of the Legislative Services Commission. The
25 Commission, while in discharge of official duties, may exercise all the powers provided
26 under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to
27 request all officers, agents, agencies, and departments of the State to provide any
28 information, data, or documents within their possession, ascertainable from their
29 records, or otherwise available to them, and the power to subpoena witnesses. Members
30 of the Commission shall receive per diem, subsistence, and travel allowances at the rate
31 established in G.S. 120-3.1, 138-5, or 138-6, as appropriate. Vacancies shall be filled by
32 the appointing authority.

33 **SECTION 45.4.** The Commission shall report its findings and
34 recommendations to the Joint Legislative Commission on Governmental Operations no
35 later than March 1, 2009, at which time the Commission shall terminate.

36
37 **PART XLVI. JOINT LEGISLATIVE STUDY COMMISSION ON MUNICIPAL**
38 **ANNEXATION**

39
40 **SECTION 46.1.** There is established the Joint Legislative Study Commission
41 on Municipal Annexation.

42 **SECTION 46.2.** The Commission shall be composed of 28 members as
43 follows:

- 1 (1) Twelve members appointed by the President Pro Tempore of the
2 Senate.
- 3 (2) Twelve members appointed by the Speaker of the House of
4 Representatives.
- 5 (3) One member representing the North Carolina League of
6 Municipalities, appointed by the President Pro Tempore of the Senate.
- 7 (4) One member representing the North Carolina League of
8 Municipalities, appointed by the Speaker of the House of
9 Representatives.
- 10 (5) One member representing the North Carolina Association of County
11 Commissioners, appointed by the President Pro Tempore of the
12 Senate.
- 13 (6) One member representing the North Carolina Association of County
14 Commissioners, appointed by the Speaker of the House of
15 Representatives.

16 Vacancies on the Commission shall be filled by the appointing authority. The
17 President Pro Tempore of the Senate and the Speaker of the House of Representatives
18 shall each designate a co-chair. A quorum of the Commission shall be fourteen
19 members.

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

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

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

36 **SECTION 46.3.** The Commission shall study municipal annexation in North
37 Carolina. As a part of its study, the Commission may examine issues related to:

- 38 (1) State law governing involuntary annexation, voluntary annexation by
39 petition, and voluntary satellite annexation.
- 40 (2) Municipal compliance with current annexation procedural standards.
- 41 (3) Provision of services to persons in areas subject to annexation.
- 42 (4) The effect of creation of an independent review procedure for
43 municipal annexation decisions.

- 1 (5) Current standards for judicial review and appeal of municipal
2 annexation decisions.
- 3 (6) The impact of the current annexation law on municipalities and the
4 State as a whole.
- 5 (7) Whether the State's current annexation law should be amended.
- 6 (8) Any other issue related to annexation deemed relevant by the
7 Commission.

8 **SECTION 46.4.** The Commission shall make a final report, including any
9 proposed legislation, to the 2009 General Assembly upon its convening. The
10 Commission shall terminate upon filing its final report or upon the convening of the
11 2009 General Assembly, whichever is earlier.

12
13 **PART XLVII. EPILEPSY PATIENTS AND MEDICATION INTERCHANGE**
14 **STUDY COMMISSION (Purcell)**

15
16 **SECTION 47.1.** Commission Established. – The Epilepsy Patients and
17 Medication Interchange Study Commission is hereby established.

18 **SECTION 47.2.** Membership. – The Commission shall consist of 21
19 members as follows:

- 20 (1) Three members of the Senate appointed by the President Pro Tempore
21 of the Senate.
- 22 (2) Three members of the House appointed by the Speaker of the House of
23 Representatives.
- 24 (3) Executive Director of the North Carolina Epilepsy Foundation, or the
25 Executive Director's designee.
- 26 (4) The State Health Director, or the Director's designee.
- 27 (5) Director of the Epilepsy Information Service.
- 28 (6) Six members appointed by the President Pro Tempore of the Senate as
29 follows:
 - 30 a. A representative recommended by the North Carolina Board of
31 Pharmacy.
 - 32 b. A representative recommended by the University of North
33 Carolina at Chapel Hill School of Pharmacy.
 - 34 c. A representative recommended by the North Carolina Medical
35 Society.
 - 36 d. A representative recommended by the Duke University School
37 of Medicine, Department of Neurobiology.
 - 38 e. A representative recommended by the Brody School of
39 Medicine at East Carolina University, Neuroscience Program.
 - 40 f. A representative of the epilepsy patient community at large
41 recommended by the Director of the North Carolina Epilepsy
42 Foundation.
- 43 (7) Six members appointed by the Speaker of the House of
44 Representatives as follows:

- 1 a. A representative recommended by the North Carolina
- 2 Association of Pharmacists.
- 3 b. A representative recommended by the North Carolina Medical
- 4 Board.
- 5 c. A representative recommended by the University of North
- 6 Carolina at Chapel Hill School of Medicine, Department of
- 7 Neurology.
- 8 d. A representative recommended by the Wake Forest University
- 9 Baptist Medical Center, Department of Neurology.
- 10 e. A representative of the pharmaceutical industry.
- 11 f. A representative of the epilepsy patient community at large
- 12 recommended by the Director of the North Carolina Epilepsy
- 13 Foundation.

14 **SECTION 47.3.** Cochairs. – The Commission shall have two cochairs, one
15 designated by the President Pro Tempore of the Senate and one designated by the
16 Speaker of the House of Representatives from among their respective appointees. The
17 Commission shall meet upon the call of the cochairs.

18 **SECTION 47.4.** Quorum. – A quorum of the Commission shall consist of 13
19 members.

20 **SECTION 47.5.** Vacancies. – Any vacancy on the Commission shall be
21 filled by the original appointing authority.

22 **SECTION 47.6.** Purpose and Duties. – The Commission shall study all
23 facets of the issues involving the protection of epilepsy patients from medication
24 interchange.

25 **SECTION 47.7.** Expenses of Members. – Members of the Commission shall
26 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
27 138-5, or 138-6, as appropriate.

28 **SECTION 47.8.** Staff. – Upon the prior approval of the Legislative Services
29 Commission, the Legislative Services Officer shall assign professional and clerical staff
30 to the Commission to aid in its work.

31 **SECTION 47.9.** Consultants. – The Commission may hire consultants to
32 assist with the study as provided in G.S. 120-32.02(b).

33 **SECTION 47.10.** Meetings. – The Commission may meet in the Legislative
34 Building or the Legislative Office Building upon the approval of the Legislative
35 Services Commission.

36 **SECTION 47.11.** Report. – The Commission shall report its findings and
37 recommendations to the General Assembly and the Joint Legislative Health Care
38 Oversight Committee on or before February 1, 2009, at which time the Commission
39 shall terminate.

40 **PART XLVIII. HIGHER EDUCATION CIVIC EDUCATION STUDY**

41 **SECTION 48.1.** There is established the Higher Education Civic Education
42 Study Commission to advise the State on the role of higher education in helping to
43
44

1 strengthen and enhance the ability of colleges and universities to participate in civic
2 engagement activities with K-12 educational institutions, faith-based programs, or other
3 service programs affecting the social development and literacy of school-aged children.

4 **SECTION 48.2.** The Commission shall consist of 19 members appointed as
5 follows:

- 6 (1) Four members of the Senate appointed by the President Pro Tempore
7 of the Senate.
- 8 (2) Four members of the House of Representatives appointed by the
9 Speaker of the House of Representatives.
- 10 (3) Four members appointed by the President Pro Tempore of the Senate,
11 two of whom represent higher education and have experience in
12 implementing service-learning partnerships between higher education
13 and K-12 education, one president or chancellor representing a public
14 or private college or university, and one organization or community
15 representative with experience in the area of youth development.
- 16 (4) Four members appointed by the Speaker of the House of
17 Representatives, two of whom represent K-12 education systems and
18 have experience in implementing community partnerships between
19 higher education and community-based service organizations, one
20 chancellor or president of a public or private college or university, and
21 one representative from the faith-based community.
- 22 (5) Three members appointed by the Governor, one of whom represents
23 the Board of Governors of The University of North Carolina, and one
24 superintendent representing a low-wealth public education system.

25 **SECTION 48.3.** The Commission, while in the discharge of its official
26 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
27 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the
28 cochairs. The Commission may meet in the Legislative Building or the Legislative
29 Office Building. The Commission may contract for professional, clerical, or consultant
30 services as provided by G.S. 120-32.02.

31 The Legislative Services Commission, through the Legislative Services
32 Officer, shall assign professional staff to assist the Commission in its work. The House
33 of Representatives' and the Senate's Directors of Legislative Assistants shall assign
34 clerical staff to the Commission, and the expenses relating to the clerical employees
35 shall be borne by the Commission. Members of the Commission shall receive
36 subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as
37 appropriate.

38 **SECTION 48.4.** In conducting the study, the Commission shall:

- 39 (1) Develop recommendations for implementation of mandatory
40 service-learning as a graduation requirement for all higher education
41 institutions receiving State funds.
- 42 (2) Develop recommendations to include best practices for faculty,
43 students and community partners entering into service-learning
44 relationships.

- 1 (3) Develop recommendations to address resource requirements necessary
- 2 to assist higher education institutions in the implementation of
- 3 service-learning partnerships.
- 4 (4) Develop recommendations for monitoring and evaluating the impact of
- 5 civic engagement programs on the performance of K-12 and higher
- 6 education students.
- 7 (5) Study any other issues deemed relevant by the Commission.

8 **SECTION 48.5.** The Commission shall make a final report, including any
 9 proposed legislation, to the 2009 General Assembly upon its convening. The
 10 Commission shall terminate upon filing its final report or upon the convening of the
 11 2009 General Assembly, whichever occurs first.

12
 13 **PART XLIX. MORE AT FOUR YEARLY REVIEW**

14
 15 **SECTION 49.1.** Section 7.24(a)(11) of S.L. 2007-323, as amended by
 16 Section 7.17(c) of S.L. 2008-107, reads as rewritten:

17 **"SECTION 7.24.(a)** The Department of Public Instruction shall continue the
 18 implementation of the "More at Four" prekindergarten program for at-risk
 19 four-year-olds who are at risk of failure in kindergarten. The program is available
 20 statewide to all counties that choose to participate, including underserved areas. The
 21 goal of the program is to provide quality prekindergarten services to a greater number of
 22 at-risk children in order to enhance kindergarten readiness for these children. The
 23 program shall be consistent with standards and assessments established jointly by the
 24 Department of Health and Human Services and the Department of Public Instruction.
 25 The program shall include:

- 26 ...
- 27 (11) A system of accountability to include a yearly review. The Department
 - 28 shall contract with an independent research organization to produce an
 - 29 annual report to include longitudinal review of the program and
 - 30 academic, behavioral, and other child-specific outcomes. The review
 - 31 shall also include a test of the feasibility of conducting a quasi
 - 32 experimental research design of—with a representative sample or
 - 33 samples of children who complete the More at Four program every
 - 34 year and children of comparable demographics and grade levels that
 - 35 do not participate in a More at Four program. shall report on their
 - 36 sustained progress until the end of grade 9. The review shall also study
 - 37 a representative sample of children who do not enter the More at Four
 - 38 program but who are of the same grade level and demographic as those
 - 39 who complete the program and their sustained progress shall also be
 - 40 reviewed until the end of grade 9. The review shall be presented to the
 - 41 Joint Legislative Oversight Committee on Education by January 31 of
 - 42 every year."
 - 43

44 **PART L. OUT-OF-STATE TRAVEL**

1
2 **SECTION 50.1.** For legislative studies authorized by this act, out-of-state
3 travel must be authorized by the President Pro Tempore of the Senate or the Speaker of
4 the House of Representatives, as appropriate.

5
6 **PART LI. BILL AND RESOLUTION REFERENCES**

7
8 **SECTION 51.1.** The listing of the original bill or resolution in this act is for
9 reference purposes only and shall not be deemed to have incorporated by reference any
10 of the substantive provisions contained in the original bill or resolution.

11
12 **PART LII. EFFECTIVE DATE AND APPLICABILITY**

13
14 **SECTION 52.1.** Except as otherwise specifically provided, this act is
15 effective when it becomes law. If a study is authorized both in this act and in the
16 Current Operations and Capital Improvements Appropriations Act of 2008, the study
17 shall be implemented in accordance with the Current Operations and Capital
18 Improvements Appropriations Act of 2008 as ratified.