

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**SESSION LAW 2009-574  
HOUSE BILL 945**

AN ACT TO PROVIDE FOR STUDIES BY THE 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 2009."

**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 2009 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study.

**SECTION 2.2.** Child Support Guidelines Regarding Child Support Arrearage That Does Not Accrue for a Parent Who is Incarcerated (S.J.R. 1063 – Boseman) – The Commission may study North Carolina child support guidelines regarding child support arrearage that does not accrue for a parent who is incarcerated, including the impact the lack of arrearage accrual has on the nonincarcerated parent.

**SECTION 2.3.** Standards Applied in Disputed Child Custody Cases (S.J.R. 872 – Clodfelter; H.B. 670 – Goodwin, Farmer-Butterfield; H.B. 1174 – Pierce, Wainwright) – The Commission may study the standards applied in disputed child custody cases and the need for any modification of existing standards, including the possible adoption of a presumptive joint custody standard in some or all disputed child custody cases.

**SECTION 2.4.** Youth Transitioning Out of Foster Care (S.B. 948 – Malone, Snow; H.B. 783 – M. Alexander, Earle, Adams, Wiley) – The Commission may study the needs of youth transitioning out of the foster care system.

**SECTION 2.5.** Family Violence and Child Custody (S.B. 1064 – Boseman; H.B. 860 – Goodwin, McLawhorn, Farmer-Butterfield) – The Commission may study the issue of child custody and the impact family violence has on child custody decisions rendered in North Carolina.

**SECTION 2.6.** Civil Custody Guardian Program (H.B. 1275 – Insko) – The Commission may study the feasibility and desirability of creating a statewide Civil Custody Guardian Program.

**SECTION 2.7.** Juvenile Justice Administration (S.B. 1048 – Kinnaird; H.B. 1414 – Bordsen, Bryant, Glazier, Parmon) – The Commission may study issues related to juvenile justice administration and may analyze the legal, systematic, and organizational impact of expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to include persons 16 and 17 years of age who commit crimes or infractions under State law or under an ordinance of local government.

**SECTION 2.8.** Grandparents' Visitation Rights (S.B. 342 – Goss; H.B. 590 – Randleman, McCormick, Howard, Brisson) – The Commission may study grandparents' visitation rights in North Carolina.

**SECTION 2.9.** Parenting Education (H.B. 1308 – M. Alexander) – The Commission may study current practices relating to the provision of parenting education in the State in order to enhance parents' and parenting partners' competence and confidence to improve child-rearing knowledge and skills.



**SECTION 2.10.** Work and Family Balance (H.B. 177 – Adams, Ross, Blue, Wainwright) – The Commission may study issues related to work and family balance.

**SECTION 2.11.** After-School Child Care and Related Programs (S.B. 869 – Stevens, Malone; H.B. 1405 – Carney, Goforth) – The Commission may study after-school child care and related programs.

**SECTION 2.12.** Preservation of Culture and Customs of Indian Children (H.B. 945 – Sutton) – The Commission may study any issues or matters that would impact the preservation of the customs and culture of Indian children who are not covered under the ICWA and who are the subject of legal proceedings in State courts, including, but not limited to, adoption, custody, and visitation.

**SECTION 2.13.** Youth Violence (H.B. 1279 – Pierce, Mobley, Bryant, Parmon) – The Commission may study the causes and effects of youth violence in North Carolina and may review current State, local, and private efforts to prevent youth violence, including working cooperatively with the Department of Juvenile Justice and Delinquency Prevention on youth violence issues that may overlap with the ongoing work of that Department.

**SECTION 2.14.** Issues Related to Sexual Abuse and Violence (H.B. 1605 – Bordsen, Glazier, Insko, Farmer-Butterfield) – The Commission may study issues related to sexual abuse and violence.

**SECTION 2.15.** Ex-Offender Reintegration Into Society (S.B. 496 – Jones; H.B. 527 – Pierce, Bryant, Jones, Ross) – The Commission may study issues related to reintegration into society for people with criminal records. Specifically, the Commission may study how North Carolina and other states address barriers facing ex-offenders in accessing jobs, housing, education, training, and services and determine best practices that reduce recidivism.

**SECTION 2.16.** Sentencing and Prison Overcrowding (S.B. 1046 – Kinnaird; H.B. 1092 – Bordsen, Love) – The Commission may study the State's current sentencing laws and policies, consider the current availability, use, and effectiveness of alternative punishments, and evaluate how all of those contribute to the increasing number of nonviolent offenders housed in State and local government correctional facilities.

**SECTION 2.17.** Prison Overcrowding, Incarceration of Nonviolent Felons, and Modified Sentences (S.B. 972 – Rand) – The Commission may study issues related to prison overcrowding, the State's policies and laws regarding incarceration of nonviolent felons, and the feasibility of modifying sentences for nonviolent offenses.

**SECTION 2.18.** Post-Conviction and Post-Release Bond (H.B. 1338 – Gibson, Brubaker) – The Commission may study the feasibility of reducing prison overcrowding through a post-conviction and post-release bond program that would allow bail bondsmen to bond out prisoners who have completed the major portions of their active sentences.

**SECTION 2.19.** Guidelines for Issuance of a Limited Driving Privilege by the Courts (S.B. 937 – Davis) – The Commission may study the guidelines for issuance of a limited driving privilege by the courts.

**SECTION 2.20.** Early Childhood Programs (S.B. 732 – Preston) – The Commission may conduct a study to include the following:

- (1) Assessing the feasibility and desirability of consolidating the North Carolina Partnership for Children, Inc., and the "More At Four" program.
- (2) Considering any needed adjustments and the necessary reprioritization of funds to realize the maximum benefit to the State's children and families.
- (3) Reviewing any other matters the Commission deems relevant to the study.

**SECTION 2.21.** Innovations in Education (S.B. 100 – Hartsell) – The Commission may study the feasibility of giving to every public school student in North Carolina an incentive of one thousand dollars (\$1,000) per year beginning at grade one and extending to grade 12 if the student successfully meets specific academic, disciplinary, attendance, character, and parental involvement goals and benchmarks.

**SECTION 2.22.** Legislative Grants (H.B. 1620 – Rapp, McLawhorn, Glazier) – The Commission may study the feasibility of providing legislative grants for eligible students who attend North Carolina career colleges and schools.

**SECTION 2.23.** Project Graduate (H.B. 1535 – Lucas, Bell, Yongue) – The Commission may study the number of adults in North Carolina who have credit hours at a State institution of higher education but who have not earned a bachelor's degree and may consider initiatives, incentives, and methods to recruit these adults back to college to complete their degree.

**SECTION 2.24.** Sports Injuries (H.B. 536 – Cotham, Glazier, England, Blue) – The Commission may study issues relating to sports injuries for all sports at the middle school and high school levels, focusing on the prevention and treatment of injuries.

**SECTION 2.25.** Superior Court Criminal Case Calendaring (S.B. 601 – Clodfelter) – The Commission may study Superior Court criminal case calendaring.

**SECTION 2.26.** Health Insurance Coverage for the Diagnosis and Treatment of Autism Spectrum Disorders (S.B. 944 – Garrou) – The Commission may study and assess the need for and the merits of providing health insurance coverage for the diagnosis and treatment of autism spectrum disorders.

**SECTION 2.27.** Impact of Smoking Prohibitions in Foster Care Homes (S.J.R. 672 – Purcell; H.B. 694 – Cotham, Holliman, Barnhart) – The Commission may study whether smoking prohibitions that apply to foster care homes are having an impact on the availability of foster care homes.

**SECTION 2.28.** Medicaid Income Levels/Community Alternative Programs (H.B. 1243 – Mobley) – The Commission may study the income requirements for eligibility to receive Medicaid and Community Alternative Program (CAP) benefits.

**SECTION 2.29.** Mental Health Commitment Statutes (H.B. 718 – Brisson, Justus) – The Commission may study the involuntary commitment statutes in Chapter 122C of the General Statutes, in particular G.S. 122C-263(a), to determine if an individual lawfully ordered to undergo an examination by a physician or eligible psychologist is being appropriately supervised to protect the health and safety of the individual and others during the period of the individual's examination.

**SECTION 2.30.** Feasibility and Advisability of Establishing "Cover NC" and Establishing the NC Health Insurance Market Choices Program (H.B. 1402 – Neumann, Burris-Floyd) – The Commission may study the feasibility and advisability of establishing a program to provide health care access to uninsured individuals and their families. The program may emphasize coverage for basic and preventive health care services; provide inpatient hospital, urgent, and emergency care services; and be offered Statewide.

**SECTION 2.31.** Statewide Trauma System (H.B. 1375 – Stewart, Neumann) – The Commission may study the current General Statutes and State regulations pertaining to the Statewide Trauma System to determine if any changes are necessary; assess and identify gaps in the Statewide Trauma System with respect to funding and service delivery; assess the financial viability of the Statewide Trauma System; and determine the amount of funds the State should appropriate annually to the Statewide Trauma System.

**SECTION 2.32.** Pediatric Palliative and End-of-Life Care (Garrou) – The Commission may study pediatric palliative and end-of-life care in North Carolina.

**SECTION 2.33.** Expanding Access to the Department of Health and Human Services' Controlled Substances Reporting System (H.B. 1119 – McLawhorn, Justus, R. Warren) – The Commission may study whether, and under what circumstances, the Controlled Substances Reporting System maintained by the Department of Health and Human Services should be accessible to sheriffs and deputy sheriffs.

**SECTION 2.34.** Chiropractic Services and Cost-Sharing Under the State Health Plan (Gibson) – The Commission may study chiropractic services and cost-sharing under the State Health Plan for Teachers and State Employees ("Plan").

**SECTION 2.35.** Mandatory Nurse Overtime (H.B. 812 – Glazier, M. Alexander) – The Commission may study the current use of mandatory nurse overtime as a staffing tool in hospitals and health care organizations.

**SECTION 2.36.** Comparative Effectiveness (S.B. 1022 – Stein) – The Commission may study how to improve people's health and contain health care costs by studying the comparative effectiveness of various medical treatments and prescription drugs.

**SECTION 2.37.** Tax Credit for LID Stormwater Controls (H.B. 1566 – Allred) – The Commission may study the feasibility and advisability of providing a tax credit for the installation of innovative, low-impact development stormwater management systems.

**SECTION 2.38.** Greenhouse Gas Credits for Farming (H.B. 28 – Faison) – The Commission may study the feasibility and advisability of extending credits to the business of farming in the same manner that credits are extended to other businesses in the event North Carolina participates in a market-based "Cap-and-Trade" program for greenhouse gas emissions adopted either by the federal government or by the State.

**SECTION 2.39.** Gasoline Shortages (S.B. 1085 – Snow, Hartsell; H.B. 847 – Coates, Whilden, Tillis, Goforth) – The Commission may study the issue of gasoline shortages in this State and, in particular, may study the gasoline shortages experienced from the Piedmont to the Western region of this State in the wake of Hurricanes Ike and Gustav in 2008.

**SECTION 2.40.** Sanitary District Laws (H.B. 835 – McLawhorn, E. Warren) – The Commission may study and review the current sanitary district laws in Chapter 130A of the General Statutes in order to identify and recommend legislation to modernize the sanitary district laws and clarify the substantive and procedural requirements contained in the law.

**SECTION 2.41.** Mountain Resources (S.B. 968 – Queen) – The Commission may identify and evaluate issues affecting important mountain resources and recommend policies and programs to address those issues.

**SECTION 2.42.** Transfer of Development Rights Into the Developed Areas of Counties, Including Currituck and Chatham Counties (H.B. 954 – Owens, S.B. 547 – Atwater) – The Commission may study the transfer of development rights into the developed areas of counties, including Currituck and Chatham Counties, in association with conservation easements in rural areas of counties.

**SECTION 2.43.** Reserved.

**SECTION 2.44.** Advancing Innovation in North Carolina (Queen) – The Commission may study methods to implement the findings of the December 2008 report of the Office of Science and Technology of the North Carolina Department of Commerce, prepared at the direction of the North Carolina Board of Science and Technology, entitled "Advancing Innovation in North Carolina: An Innovation Framework for Competing and Prospering in the Interconnected Global Environment."

**SECTION 2.45.** Modernize the NC Consumer Finance Act and the North Carolina Banking Laws (H.B. 1138 – Hall, Pierce, Mobley, Luebke) – The Commission may study ways to amend the North Carolina Consumer Finance Act (Article 15 of Chapter 53 of the General Statutes) to provide greater protection to consumers.

**SECTION 2.46.** Regional Economic Development (Rand) – The Commission may build on the study by the General Assembly Program Evaluation Division and complete a review of all State-funded regional economic development programs.

**SECTION 2.47.** Economic Impact of Arts and Culture in Western North Carolina (H.B. 1640 – Fisher, Goforth, Haire, Whilden) – The Commission may study issues relating to the economic impact of arts and culture in Western North Carolina and the State.

**SECTION 2.48.** Science, Technology, Engineering, and Math (STEM) Innovation and Community Collaboration (H.B. 1085 – Glazier, Dickson, Howard, Braxton) – The Commission may study issues related to economic growth by the creation of measures and metrics which define the readiness of a community to deliver, to all stakeholders, the services that equip the workforce to be competitive in a STEM-intensive economy, including ensuring that students throughout the education pipeline gain the skills learned from science, technology, engineering, math, and other rigorous subjects.

**SECTION 2.49.** Reform Insurance Rate Filing Process (H.B. 1439 – Spear) – The Commission may study the adequacy of public participation in the setting of rates for homeowners insurance in North Carolina.

**SECTION 2.50.** System of Electing Judges (H.B. 526 – Wainwright) – The Commission may study the feasibility and desirability of a system of electing superior court judges in which each superior court judge is elected separately, as is already provided for the appellate division and the district court, and in which vacancies are filled at the next election for a full eight-year term, as is already provided for the appellate division.

**SECTION 2.51.** Use of 911 Funds (S.B. 521 – Forrester; H.B. 546 – Rhyne; H.B. 59 – Allen; H.B. 1480 – Bryant, Allen; H.B. 923 – Goodwin, Burr) – The Commission may study the use of the 911 Funds by Public Safety Answering Points (PSAPs).

**SECTION 2.52.** High-Speed Internet in Underserved Urban Areas (H.B. 595 – K. Alexander, Faison, Jones) – The Commission may study the availability of high-speed Internet access in low-wealth areas of the State having a population of 100,000 or more according to the most recent federal decennial census.

**SECTION 2.53.** High-Speed Internet in Rural Areas (H.B. 157 – Faison, Haire, Bryant, Gulley) – The Commission may study the availability of high-speed Internet access in rural areas.

**SECTION 2.54.** Broadband Use (H.B. 283 – K. Alexander, Coates, Tillis, Faison; Harrison) – The Commission may study administrative actions that can result in immediate promotion of broadband access and usage within the State. The Commission may make specific recommendations as to how North Carolina can take advantage of opportunities for and eliminate any related barriers to broadband access and adoption. The Commission may also study broadband account usage limits and tiered pricing based, in part or in whole, on data consumption, and penalties and fees for exceeding those limitations.

**SECTION 2.55.** Equine Industry (S.B. 785 – Weinstein; H.B. 756 – Cole) – The Commission may study and evaluate the recommendations contained in the report to the Joint Legislative Commission on Governmental Operations, which resulted from the Equine Industry Study conducted by the Rural Economic Development Center, Inc., under Section 13.14A of S.L. 2007-323, and included an assessment of the numbers, composition, and value of the equine industry in North Carolina, an analysis of the direct and indirect impacts of the industry on the State's economy, and the development of a comprehensive plan to maximize the economic opportunities presented by the equine industry.

**SECTION 2.56.** Impact and Control of Fire Ants in North Carolina (H.B. 513 – Lewis) – The Commission may study issues relating to the impact, control, and eradication of fire ants in North Carolina.

**SECTION 2.57.** Coyote Nuisance Removal Program (H.B. 1631 – Faison) – The Commission may study the development of a coyote nuisance removal program aimed at diminishing the threat presented by the existence of a coyote population in the State.

**SECTION 2.58.** Zoological Park Funding and Organization (H.B. 321 – E. Warren, Brubaker, Tarleton, Harrison) – The Commission may study: (i) funding issues associated with the Zoological Park, including current and expected capital and operational needs, current sources of revenue, and potential funding mechanisms; and (ii) the current organizational structure of the Zoological Park, and other potential organizational structures, including, but not limited to, reorganization as an authority, as a private nonprofit corporation, or other entity to determine which organizational structure would most effectively achieve the mission of the Zoological Park.

**SECTION 2.59.** Spay/Neuter Program (H.B. 208 – Harrison, Wray, Cotham, Carney) – The Commission may study the possibility of establishing a voluntary statewide program to foster the spaying and neutering of dogs and cats for the purpose of reducing the population of unwanted animals in the State.

**SECTION 2.60.** Issues Relating to the Duration of the Compensation for Temporary Total Disability Under the Workers' Compensation Act (S.B. 975 – Apodaca; H.B. 1022 – Goforth, Folwell, Hill, Rhyne) – The Commission may study issues relating to the duration of the compensation for Temporary Total Disability under the Workers' Compensation Act.

**SECTION 2.61.** Poultry Worker Health and Safety (H.B. 390 – Earle) – The Commission may study ways to improve poultry worker health and safety.

**SECTION 2.62.** Security and Emergency Medical Services at the State Legislative Buildings (H.B. 1633 – Hall) – The Commission may study whether and to what extent the security and emergency medical services need to be upgraded at the State legislative buildings and grounds.

**SECTION 2.63.** Homeowners Associations (H.R. 935 – McGee, Weiss) – The Commission may study issues concerning the protection and participation of homeowners in the governance of their homeowners associations, particularly as to assessments and record keeping of the associations.

**SECTION 2.64.** Setting of Rates for Homeowners Insurance in North Carolina (H.B. 1439 – Spear) – The Commission may study the adequacy of public participation in the setting of rates for homeowners insurance in North Carolina.

**SECTION 2.65.** Mechanic's Liens on Real Property (S.B. 803 – Rand) – The Commission may study issues related to mechanic's liens on real property in North Carolina, including the State's current laws regarding mechanic's liens on real property, ways to address hidden liens to protect third-party purchasers for value and lenders in real estate transactions, and any other issues the Commission deems relevant to the study.

**SECTION 2.66.** Commercial Real Estate Broker Lien Act (H.B. 1356 – McCormick, Gibson) – The Commission may study commercial real estate broker liens.

**SECTION 2.67.** Department of Military and Veterans Affairs Initiative (Underhill, Wainwright) – The Commission may study and plan the creation of a Department of Military and Veterans Affairs.

**SECTION 2.68.** Increase Small Brewery Limits (H.B. 1017 – Fisher, Faison, Harrison, Earle) – The Commission may study the possibility of increasing the small brewery brewing limit from 25,000 gallons to 60,000 gallons before the brewery must use a wholesale distributor to distribute its products.

**SECTION 2.69.** Bicycle Laws (H.B. 1451 – Harrison) – The Commission may study laws related to the operation of bicycles.

**SECTION 2.70.** Voluntary Shared Leave Program (S.B. 352 – Kinnaird; H.B. 213 – Insko, Lucas, Hurley) – The Commission may study rules and policies for the voluntary shared leave program that will permit the donation of sick leave to a nonfamily member recipient for State employees subject to the State Personnel Act, public school employees, and community college employees.

**SECTION 2.71.** Office of Prosecution Services (S.B. 816 – Brunstetter, Rand; H.B. 786 – Faison) – The Commission may study the establishment of an Office of Prosecution Services to manage the budgetary aspects of the various district attorney offices and related issues.

**SECTION 2.72.** For each Legislative Research Commission committee created during the 2007-2009 biennium, the cochairs of the Legislative Research Commission shall appoint the committee membership.

**SECTION 2.73.** For each of the topics the Legislative Research Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 2.74.** From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

### **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE STUDIES**

**SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 3.2.** Validity of "Do Not Resuscitate" Orders Issued by a Physician in the Absence of a Declaration for Natural Death (S.J.R. 769 – Kinnaird) – The Committee may study the validity of "Do Not Resuscitate" (DNR) orders issued by a physician in the absence of a declaration for natural death made by the patient for whom the DNR order was issued. In conducting the study, the Committee may consider the matters raised in Senate Bill 685, 2007 General Assembly.

**SECTION 3.3.** Provider Credentials/Insurer/Provider Contracts (H.B. 1297 – Stewart, Jackson) – The Committee may study issues related to the credentialing of health care providers under health benefit plans, notice and contract negotiation provisions for health benefit plans and provider contracting, certificate of need exemption criterion, modification of inspection practices of hospital outpatient locations, and related issues.

**SECTION 3.4.** Temporary License Waiver for Medical, Dental, Nursing, or Pharmacy Professionals (Berger of Rockingham) – The Committee may study the allowance of a temporary waiver of a license for a medical, dental, nursing, or pharmacy professional who is properly licensed in another state for the purpose of volunteering for a nonprofit entity that provides medical, dental, nursing, or pharmacy services in the State of North Carolina.

### **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDIES**

**SECTION 4.1.** The Joint Legislative Transportation Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 4.2.** License Plate Backgrounds/Information (H.B. 487 – Underhill, Haire) – The Committee may study whether to require the Division of Motor Vehicles to place the North Carolina tourism Web site, visitnc.com, on the State's registration plates and whether

to require all license plates issued by the Division of Motor Vehicles to have a "First in Flight" background, including all specialized license plates.

**SECTION 4.3.** Authorization of Special Registration Plates (H.B. 67 – Cole) – The Committee, in consultation with the Revenue Laws Study Committee, may study the authorization of special registration plates under Part 5 of Article 3 of Chapter 20 of the General Statutes and the issuance of special registration plates with a design that is not a "First in Flight" design.

**SECTION 4.4.** Transportation Funding Distribution Formula (S.B. 635 – Stein, Clodfelter; H.B. 237 – Carney, Cole, Blust, Ross) – The Committee may study issues related to the State's method for distributing transportation funds.

**SECTION 4.5.** Ways to Reduce Construction Expense (Goss, Cole) – The Committee may study ways to reduce construction expense by considering life cycle cost, durability, environmental impact, sustainability, longevity, and maintenance costs when selecting project pavement types.

## **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE STUDIES**

**SECTION 5.1.** The Joint Legislative Education Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 5.2.** Consolidation of the General Statutes and Administrative Rules Pertaining to High School Programs Offered at Community Colleges (S.B. 644 – Swindell; H.B. 717 – Tarleton) – The Committee may study the consolidation of the General Statutes and administrative rules pertaining to high school programs offered at community colleges, including Huskins Bill courses, dual enrollment, Learn and Earn, Learn and Earn Online, and college transfer courses, to facilitate consistency in administration of these programs among colleges and to ensure that revenues are appropriately received by the colleges to fulfill their responsibility in providing these programs to high school students.

**SECTION 5.3.** Social Workers in Schools (H.B. 1089 – Jeffus) – The Committee may study all aspects of the practice of school social work in North Carolina.

**SECTION 5.4.** Impact of Student Mobility on Academic Performance (H.B. 1029 – Folwell, Glazier, Wiley, Parmon) – The Committee may study the impact of student mobility on academic performance.

**SECTION 5.5.** Alternative Schools (H.B. 971 – Lucas, Bryant) – The Committee may study the number of alternative schools that currently exist in North Carolina, how effective those schools are in helping at-risk students reach academic success, and any other issues that the Committee considers relevant to this topic.

**SECTION 5.6.** ABC Bonus Program (H.B. 707 – Wilkins, Yongue, Glazier, Johnson) – The Committee may study the ABC Bonus Program. In the course of the study, the Committee may consider (i) the current mechanism for determining which schools' employees are entitled to bonuses, (ii) the relationship of bonuses awarded to the improvement of student performance and outcomes and reduction in dropout rates, and (iii) any equities and inequities in the current program.

**SECTION 5.7.** State Need-Based Financial Aid (H.B. 1552 – Glazier, McLawhorn, Rapp, Tarleton) – The Committee may study how best to fund grants, loans, and scholarships made for the purpose of attending institutions of higher education both within and outside of North Carolina, including examining the availability and sustainability of existing State, federal, and private funding sources.

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

**SECTION 6.1.** The Environmental Review Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 6.2.** Issues Related to the Use of Intrabasin and Interbasin Netting by Contract Among Water Utilities (S.B. 919 – Bingham) – The Commission, with the assistance of the Department of Environment and Natural Resources, may study the feasibility and environmental impact of intrabasin and interbasin netting of water withdrawals and discharges by contract among water systems subject to regulation by the North Carolina Utilities Commission.

**SECTION 6.3.** Continue Study of Water Allocation Issues (S.B. 907 – Clodfelter; H.B. 1101 – Allen, Gibson, Tarleton) – The Commission may continue to study those topics identified for further research and study in the 2008 Report of the Water Allocation Study to the Environmental Review Commission.

**SECTION 6.4.** Desirability and Feasibility of Consolidating the State's Environmental Policymaking, Rule-making, and Quasi-Judicial Functions Into One Commission (S.B. 876 – Clodfelter) – The Commission may study the desirability and the feasibility of consolidating the State's environmental policy-making, rule-making, and quasi-judicial functions into one comprehensive full-time environmental commission, perhaps to be modeled after the North Carolina Utilities Commission.

**SECTION 6.5.** Issues Related to the Environmental Impacts of Cement Plants (S.B. 699 – Boseman; H.B. 1462 – Hughes) – The Commission, with the assistance of the Department of Environment and Natural Resources, may study issues related to cement plants.

**SECTION 6.6.** Expanding Alternative Energy Use by State Government (S.B. 651 – Goss) – The Commission may study the feasibility and desirability of State government expanding its use of alternative sources of energy for fueling vehicles that are owned or leased by the State as well as for providing energy to power heating, ventilating, and air conditioning (HVAC) systems in buildings owned or leased by the State and to power other systems, motors, and appliances that are owned or leased by the State.

**SECTION 6.7.** Sustainable Growth Through the Year 2050 (S.B. 1024 – Stein) – The Commission may study how North Carolina can grow and develop sustainably in the future through the year 2050. The Commission may consider what it means for the State's growth and development to be sustainable, focusing on the following areas: economic development, including transportation and water and sewer infrastructure; the State's natural resources, including its land, water, air, local food supply, and energy supplies; and quality of life issues, including health and education.

**SECTION 6.8.** Green School Construction Loan Fund (H.B. 282 – Harrison, Glazier, Cotham, Fisher) – The Commission may study the possibility of establishing a Green School Construction Loan Fund to provide no interest loans to local school administrative units for green construction, with priority given to projects that will have the greatest impact on reducing the use of energy and water.

**SECTION 6.9.** Disclosure of Coastal Hazards (H.B. 605 – Harrison, Justice) – The Commission may study the establishment of a system whereby prospective purchasers of coastal properties subject to certain hazards can receive reasonable notice of these hazards prior to acquisition of property.

**SECTION 6.10** Phase Out Lagoon and Sprayfield Systems (H.B. 607 – Harrison, Luebke, Underhill, Justice) – The Commission may study ways to phase out animal waste management systems that employ lagoon and sprayfield systems.

**SECTION 6.11.** Phase Out Polybrominated Diphenyl Ethers (PBDEs) and Bisphenol A (H.B. 823 – Harrison, Glazier, England, Burris-Floyd) – The Commission may study ways to phase out PBDEs and Bisphenol A in flame-retardant products.

**SECTION 6.12.** Strengthen Pesticide Law for Workers (H.B. 1052 – Blue, Harrison) – The Commission may study ways to strengthen pesticide law for the protection of workers.

**SECTION 6.13.** Recycle Products Containing Mercury (H.B. 1287 – Harrison, Burris-Floyd) – The Commission may study the possibility of requiring all public agencies to recycle all spent fluorescent lights and mercury thermostats, requiring the removal of all fluorescent lights and mercury thermostats from buildings prior to demolition, and banning mercury-containing products from unlined landfills.

**SECTION 6.14.** Ordinances Banning Clotheslines (H.B. 1353 – Harrison, Samuelson, Fisher) – The Commission may study city ordinances and county ordinances prohibiting the installation of clotheslines.

**SECTION 6.15.** Green Building Code (H.B. 1443 – Harrison, Fisher, K. Alexander) – The Commission may study the possibility of requiring new and renovated commercial buildings and new residential buildings to comply with energy conservation standards.

**SECTION 6.16.** Environmental Documents Prepared Pursuant to G.S. 113A-4 (Harrison) – The Commission may study whether the circumstances under which an environmental document must be prepared pursuant to G.S. 113A-4 should be clarified.



**SECTION 6.17.** Use and Storage of Reclaimed Water (H.B. 643 – Tucker) – The Commission, in consultation with the Department of Environment and Natural Resources, may study issues related to the use and storage of reclaimed water.

**SECTION 6.18.** Remediation of Industrial and Commercial Site Contamination (Gibson) – The Commission may study environmentally sound mechanisms for accelerating the remediation of industrial and commercial site contamination.

**SECTION 6.19.** Reducing Diesel Emissions (Samuelson) – The Commission, in consultation with the Division of Air Quality of the Department of Environment and Natural Resources, the Department of Transportation, and the Department of Administration, may study the feasibility and the advisability of adopting requirements aimed at reducing diesel emissions for construction projects that are funded in whole or in part with State or federal funds.

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

**SECTION 7.1.** The Revenue Laws Study Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 7.2.** Local Government Owned and Operated Communication Services (H.B. 1252 – Harrell, Jones, Avila, Tillis) – The Committee may study local government owned and operated communication services.

**SECTION 7.3.** Issues Relating to Property Tax Relief Programs and Exemptions (H.B. 1587 – Luebke) – The Committee may study issues relating to the effects on local units of government of enacted property tax relief programs and exemptions.

**SECTION 7.4.** Special Tax Reduction Provisions (H.B. 1594 – Gibson, Haire) – The Committee may study issues relating to the effects on State revenues of government-enacted tax incentives, exemptions, credits, refunds, and exclusions.

**SECTION 7.5.** Renewable Energy and Alternative Fuel Tax Credits (H.B. 905 – Bryant, Harrison, Tolson) – The Committee and the Environmental Review Commission may study renewable energy tax credits and incentives for energy conservation.

**SECTION 7.6.** Small Business Incentives for Job Preservation and Growth (H.B. 1598 – K. Alexander, Mackey, Faison) – The Committee may examine the following issues:

- (1) The feasibility of programs for small businesses with annual gross receipts of one million five hundred thousand dollars (\$1,500,000) or more and less than two million dollars (\$2,000,000) that would provide low-interest loans for any of the following purposes:
  - a. Purchasing real or business property used to maintain or expand workforce.
  - b. Improving real property, whether owned or leased, to make it more energy efficient.
  - c. Acquiring broadband connectivity and technology to improve efficiency of business operations.
- (2) The feasibility of programs for small business with annual gross receipts of five hundred thousand dollars (\$500,000) or more and less than one million five hundred thousand dollars (\$1,500,000) that would provide funds for any of the following purposes:
  - a. Providing working capital grants.
  - b. Providing low-interest construction loans for the purchase of real or business property used to maintain or expand the workforce.
  - c. Improving real property, whether owned or leased, to make it more energy efficient.
  - d. Acquiring broadband connectivity and technology to improve the efficiency of business operations.
  - e. Any other legitimate business purpose designed to improve business efficiency.
- (3) The feasibility of microloans and microgrants to small businesses with annual gross receipts of less than five hundred thousand dollars (\$500,000) for any legitimate business purpose.
- (4) Any other issue the Committee deems relevant.

**SECTION 7.7.** Equal Tax Treatment of Government Retiree Benefits (S.B. 233 – Hoyle, Jenkins; H.B. 345 – Underhill, Cleveland, Glazier, Martin) – The Committee may study the possibility of exempting retirement benefits for all government employees from income tax in North Carolina.

#### **PART VIII. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE STUDIES**

**SECTION 8.1.** The Joint Legislative Utility Review Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 8.2.** Service Charge for Prepaid Wireless Telephone Service (S.B. 775 – Dannelly) – The Committee may study the adequacy of the service charge for prepaid wireless telephone service and the manner in which the service charge is collected and remitted to the 911 Board.

**SECTION 8.3.** Feed-In Rates (H.B. 1440 – Harrison, K. Alexander, Cotham, Martin) – The Committee and the Energy Policy Council jointly may study the feasibility and suitability of establishing feed-in rates to be paid to renewable energy electricity producers by electric power suppliers for each kilowatt-hour of electricity produced.

**SECTION 8.4.** Mountaintop Removal Coal Mining (H.B. 340 – Harrison, Haire, Fisher, Howard) – The Committee may study electric public utilities' purchase and use of coal that is extracted using mountaintop removal coal mining.

**SECTION 8.5.** Permits for the Siting of Wind Energy Facilities (H.B. 809 – Harrison, Fisher, Owens) – The Committee may study ways to establish a system of permits to be issued by the Department of Environment and Natural Resources for the siting of wind energy facilities.

**SECTION 8.6.** NC Saves Energy (H.B. 1050 – Blue, Tolson, Glazier, Harrison) – The Committee may study the creation of NC Saves Energy as an independent energy efficiency administrator for the State to administer energy efficiency and energy conservation programs and programs to promote the sustainable use of energy.

**SECTION 8.7.** Energy Efficiency in State-Funded Buildings (H.B. 1199 – Harrison, Underhill, Fisher) – The Committee may study the possibility of extending the standards governing energy efficiency and water use for major facility construction and renovation projects involving State, university, and community college buildings to major facility construction and renovation projects involving buildings of entities that receive state funding.

**SECTION 8.8.** Applying Pesticides to Rights-of-Way (H.B. 1201 – Harrison, Insko, Martin, Glazier) – The Committee may study the necessity of requiring, prior to applying pesticides to rights-of-way, that telegraph, telephone, electric, and lighting companies notify property owners of the rights-of-way or adjacent to such land that pesticides are to be applied to the land and to provide these property owners with the opportunity to stop such application from taking place on their land.

#### **PART IX. JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE TO STUDY STANDARDIZING SELECT ELECTION PROCESSES (H.B. 908 – Goodwin)**

**SECTION 9.1.** The Joint Legislative Elections Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 9.2.** The Committee may study the following issues raised by the listed bills introduced in the 2009 Regular Session of the 2009 General Assembly and make recommendations regarding the standardization of that process:

- (1) Senate Bill 417, National Popular Vote Interstate Compact.
- (2) Senate Bill 596, Filling Vacancies in Local Offices.
- (3) Senate Bill 878, Judicial Appointment/Voter Retention.

#### **PART X. GENERAL ASSEMBLY TO STUDY EFFICIENCY OF NORTH CAROLINA'S PORTS**

**SECTION 10.1.** The General Assembly may, from funds available, contract with an independent third party for a study of how to maximize the efficacy of North Carolina's ports. The study may include examination of the costs and benefits of consolidating the port

sites, privatizing port operations, and other ways to improve the ports' role in order to enhance economic benefit for the State.

#### **PART XI. LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH STUDIES**

**SECTION 11.1.** The Joint Legislative Study Commission on Children and Youth may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 11.2.** Issues Related to Children of Incarcerated Parents (H.B. 1416 – Bordsen, Farmer-Butterfield, Parmon, Bryant) – The Commission may study the issue of incarcerated parents and their children.

**SECTION 11.3.** Practice and Prevalence of Shackling Children En Route to Mental Health Commitment Hearings (H.B. 656 – Earle, Bordsen, Lucas, Bryant) – The Commission may study the practice and prevalence of shackling children en route to mental health commitment hearings.

#### **PART XII. LEGISLATIVE ETHICS COMMISSION TO STUDY COMPENSATION FOR ELECTED STATE OFFICIALS (S.B. 292 – Clodfelter, Hartsell)**

**SECTION 12.1.** The Legislative Ethics Commission may study the relationship of all forms of compensation for the duties of members and officers of the General Assembly, examining compensation paid to other elected officials in North Carolina and other states, and such other information as the Commission deems appropriate.

**SECTION 12.2.** The Commission may report its findings and recommendations to the General Assembly as soon as feasible during or prior to the reconvening in 2010 of the 2009 Regular Session of the General Assembly.

#### **PART XIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A SCHOOL-BASED INFLUENZA VACCINATION PILOT PROGRAM (S.B. 805 –Purcell; H.B. 957 – England)**

**SECTION 13.1.** The Department of Health and Human Services, Division of Public Health, may study the feasibility of establishing a school-based influenza vaccination pilot program. The purpose of the program would be to vaccinate against influenza all children ages six months to 18 years in accordance with the recommendations of the National Advisory Committee on Immunization Practices. In conducting the study, the Division may:

- (1) Examine the costs and benefits of establishing a school-based influenza vaccination pilot program;
- (2) Identify any barriers to implementing the school-based influenza vaccination pilot program and recommend strategies for removing the barriers; and
- (3) Determine the fiscal impact to the State of the proposed pilot program.

**SECTION 13.2.** The Department of Health and Human Services may report its findings and recommendations to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Governor not later than October 1, 2010.

#### **PART XIV. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY PROVIDER MEDICAL RATES TO DETERMINE THE EQUITY OF EXISTING RATES AMONG PROVIDERS (H.B. 1339 – England)**

**SECTION 14.1.** The Department of Health and Human Services, Division of Medical Assistance, may conduct a study of rate equity for medical providers. The study may include the following:

- (1) The cost of providing services, capital costs, and medical malpractice insurance.
- (2) A review of medical providers for a stand-alone payment method, including the consideration of a private consultant to perform the rate-setting process.

**SECTION 14.2.** Not later than December 1, 2009, the Department may report its findings and recommendations to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

**PART XV. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE FEASIBILITY OF REQUIRING LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES (H.B. 1239 – Sager, Cleveland, Stevens, Randleman)**

**SECTION 15.1.** The Department of Health and Human Services, Division of Health Service Regulation and the Division of Aging and Adult Services, may conduct a study on the feasibility of requiring long-term care facilities to require drug tests on applicants for employment and on employees. The Department may solicit input from advocates, long-term care facilities, and other interested stakeholders while conducting the study.

**SECTION 15.2.** The Department may report findings and recommendations on the feasibility of conducting drug tests for long-term care facility employment applicants and employees to the North Carolina Study Commission on Aging on or before October 1, 2010.

**PART XVI. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES THAT ARE FUNDED WITH MEDICAID FUNDS AND WITH STATE FUNDS (S.B. 409 – Nesbitt; H.B. 458 – Insko, England, Farmer-Butterfield, Braxton)**

**SECTION 16.1.** The North Carolina Institute of Medicine (NCIOM) may conduct a study of mental health, developmental disabilities, and substance abuse services that are funded with Medicaid funds and with State funds. The purpose of the study is to determine what services are currently available to active, reserve, and veteran members of the military and National Guard and the need for increased State services to these individuals. The NCIOM may report its findings and recommendations to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services on or before the convening of the 2010 Regular Session of the 2009 General Assembly.

**PART XVIII. NORTH CAROLINA INSTITUTE OF MEDICINE TO CONTINUE TO STUDY ISSUES RELATED TO COST, QUALITY, AND ACCESS TO APPROPRIATE AND AFFORDABLE HEALTH CARE FOR ALL NORTH CAROLINIANS (H.B. 741 – Holliman, Insko)**

**SECTION 18.1.** The North Carolina Institute of Medicine (NCIOM) may continue the work of its Health Access Study Group to study issues related to cost, quality, and access to appropriate and affordable health care for all North Carolinians. The Health Access Study Group may include in its study the matters contained in Sections 31.1, 31.2, and 31.3 of S.L. 2008-181, and may also monitor federal health-related legislation to determine how the legislation would impact costs, quality, and access to health care. The Institute may make an interim report to the Joint Legislative Health Care Oversight Committee no later than January 15, 2010, which may include recommendations and proposed legislation, and may issue its final report with findings, recommendations, and suggested legislation to the 2011 General Assembly upon its convening. In the event members of the General Assembly serve on the NCIOM Health Access Study Group, they may receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1.

**PART XIX. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY THE PROVISION OF STATE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO CURRENT AND FORMER MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES (H.B. 738 – Martin, Insko)**

**SECTION 19.1.** The North Carolina Institute of Medicine (NCIOM) may convene a Task Force to study the adequacy of mental health, developmental disabilities, and substance abuse services funded with Medicaid funds and with State funds that are currently available to active, reserve, and National Guard members of the military, veterans of the military, and their families, and the need for increased State services to these individuals.

**SECTION 19.2.** The Department of Health and Human Services may cooperate with NCIOM and the Task Force and provide the data necessary for the Task Force to conduct its study.

**SECTION 19.3.** The membership of the Task Force may include members of the North Carolina General Assembly. Senate members may be appointed by the President Pro Tempore of the Senate. House members may be appointed by the Speaker of the House of

Representatives. Members of the General Assembly serving on the Task Force may be entitled to receive per diem, subsistence, and travel allowances as provided by G.S. 120-3.1.

**SECTION 19.4.** NCIOM may report its findings and recommendations to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services on or before the convening of the 2010 Regular Session of the 2009 General Assembly.

**PART XX. UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING TO STUDY PUBLIC GUARDIANSHIP SERVICES (S.B. 693 – Dorsett, Malone; H.B. 740 – Bordsen, Goodwin)**

**SECTION 20.1.** The University of North Carolina Institute on Aging may conduct a study regarding public guardianship services. In conducting the study, the Institute on Aging may consult with agencies and organizations that are involved or interested in the provision of public guardianship services, including the Division of Aging and Adult Services, the ARC of North Carolina, the Corporation for Guardianship Services, the North Carolina Guardianship Association, the North Carolina Association of County Directors of Social Services, Carolina Legal Assistance, and the Elder Law Section of the North Carolina Bar Association. The Institute on Aging may consider the recommendations regarding public guardianship services made by the Wingspread National Guardianship Conference, the Wingspan National Guardianship Conference, and the National Study of Public Guardianship conducted by the American Bar Association's Commission on Legal Problems of the Elderly, as well as the structure, administration, funding, and performance of the public guardianship programs in Florida, Georgia, Illinois, Indiana, Kentucky, and Virginia.

**SECTION 20.2.** The study may address the following:

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

**SECTION 20.3.** The Institute on Aging may submit a report of its findings and recommendations to the North Carolina Study Commission on Aging, the Department of Health and Human Services, the Division of Aging and Adult Services, and the Fiscal Research Division on or before October 1, 2011.

**PART XXI. NORTH CAROLINA MIDWIFERY JOINT COMMITTEE TO STUDY METHODOLOGY FOR LICENSING CERTIFIED PROFESSIONAL MIDWIVES IN THIS STATE (H.B. 333 – England, McLawhorn, Neumann, Wilkins)**

**SECTION 21.1.** The North Carolina Midwifery Joint Committee may develop and propose a methodology for licensing Certified Professional Midwives (CPMs) in the State. In developing a licensure methodology, the Committee may collaborate with the North Carolina Obstetrical and Gynecological Society, the North Carolina Section of the American College of Obstetricians and Gynecologists, and other interested parties. The proposed methodology may

establish standards for education and training of CPMs that are at least as stringent as those put forth by the American Midwifery Certification Board and may require that CPMs maintain insurance liability coverage regardless of the setting in which they practice. The Commissioner of Insurance may provide the Committee with information relating to the access and availability of such insurance in North Carolina.

**SECTION 21.2.** The Committee may report its recommendations and legislative proposals to the 2010 Regular Session of the 2009 General Assembly on or before its convening.

**PART XXII. UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS TO STUDY THE FEASIBILITY OF IMPLEMENTING A TRIMESTER SYSTEM (H.B. 1225 – Haire, Stewart, Rapp, Tolson)**

**SECTION 22.1.** The Board of Governors of The University of North Carolina may study the feasibility of converting the academic calendar for most of the State's university system from a semester system to a trimester system. The study may include the following universities: the University of North Carolina at Chapel Hill, North Carolina State University, the University of North Carolina at Greensboro, the University of North Carolina at Charlotte, the University of North Carolina at Asheville, the University of North Carolina at Wilmington, Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, the University of North Carolina at Pembroke, Western Carolina University, and Winston-Salem State University. The study may not include either the University of North Carolina School of the Arts or the constituent high school, the North Carolina School of Science and Mathematics.

The goal of the study is to evaluate whether switching to a trimester system would better enable a university to use more fully its campus facilities during the summer while still maintaining the academic and programmatic integrity of the institution. The Board of Governors may consider how a conversion to a trimester system could change campus culture at each university that is included in the study, the challenges of enticing people to participate, particularly in a summer trimester, and the issues related to workload distribution and student support. In its study the Board of Governors may also analyze and evaluate how converting to a trimester system would affect all of the following at each university included in the study: student life; financial aid; athletic programs; student government; student learning; the need, if any, for additional faculty, and if additional faculty are needed, then the academic areas in which they would be needed; faculty research; registration; housing; maintenance; and utilities.

**SECTION 22.2.** As part of the study set out in this Part, the Board of Governors may also design a pilot program to explore the advantages and disadvantages to different types of campuses in switching to an academic year based on trimesters. The Board of Governors may identify four of the universities included in the study with different types of campuses to participate in the pilot program. The Board of Governors may determine the time frame for implementing the pilot program and the length of time that the pilot program may be maintained in order to analyze fully the advantages and disadvantages of switching to a trimester system. The Board of Governors may also determine what incentives, if any, may be offered to encourage students and faculty to participate in the summer trimester. The pilot program may not be implemented until after the Board of Governors reports to the Joint Legislative Education Oversight Committee pursuant to this Part and funds are appropriated to implement the pilot program.

**SECTION 22.3.** The Board of Governors may report its findings and recommendations to the Joint Legislative Education Oversight Committee by December 1, 2009.

**PART XXIII. UNC BOARD OF GOVERNORS TO STUDY TRANSFER OF UNC CENTER FOR PUBLIC TELEVISION TO UNC SCHOOL OF THE ARTS (Garrou)**

**SECTION 23.1.** The Board of Governors of The University of North Carolina may study the feasibility of transferring the University of North Carolina Center for Public Television to the University of North Carolina School of the Arts and may report its findings and recommendations by March 1, 2010, to the Joint Education Legislative Oversight Committee and to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Education.

**PART XXIV. UNC BOARD OF GOVERNORS, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES, TO DIRECT THE APPROPRIATE ENTITY TO STUDY THE IMPACTS OF RAISING THE COMPULSORY ATTENDANCE AGE FOR PUBLIC SCHOOL ATTENDANCE PRIOR TO COMPLETION OF A HIGH SCHOOL DIPLOMA FROM SIXTEEN TO SEVENTEEN OR EIGHTEEN (S.B. 320 – Malone; H.B. 188 – Parmon, Tarleton, Current, Bryant)**

**SECTION 24.1.** The Board of Governors of The University of North Carolina, in coordination with the Department of Public Instruction and the North Carolina Independent Colleges and Universities, may direct the appropriate entity to study the impacts of raising the compulsory public school attendance age prior to completion of a high school diploma from 16 to 17 or 18 and may report to the Joint Legislative Education Oversight Committee prior to May 1, 2010.

**PART XXV. STATE BOARD OF COMMUNITY COLLEGES TO STUDY STRATEGIES FOR MAKING THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGES MORE EFFICIENT (S.B. 418 – Clodfelter)**

**SECTION 25.1.** The State Board of Community Colleges may review the construction process for community college facilities and may study strategies for making the process more efficient. In the course of the study, the Board may consider:

- (1) The capacity of the various colleges to construct capital facilities without oversight by the Office of State Construction;
- (2) The appropriateness of increasing the cost threshold at which oversight by the Office of State Construction is required for some or all of the colleges; and
- (3) The need for oversight by the Office of State Construction in counties with an effective county review process.

**SECTION 25.2.** The State Board of Community Colleges may report the results of its study to the Joint Legislative Education Oversight Committee prior to March 30, 2010.

**PART XXVI. STATE BOARD OF COMMUNITY COLLEGES TO STUDY THE NEED FOR FURTHER PURCHASING FLEXIBILITY (S.B. 419 – Clodfelter)**

**SECTION 26.1.** The State Board of Community Colleges may review the purchasing process for community colleges and may consider whether the State Board of Community Colleges should have the authority to increase the bid value benchmark for each community college based on the college's overall capabilities, including staff resources, purchasing compliance reviews, and audit reports.

**SECTION 26.2.** The State Board of Community Colleges may report the results of its study to the Joint Legislative Education Oversight Committee prior to March 30, 2010.

**PART XXVII. STATE BOARD OF COMMUNITY COLLEGES TO STUDY THE FEASIBILITY OF CONVERTING THE ACADEMIC CALENDAR FOR MOST OF THE CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM FROM A SEMESTER SYSTEM TO A TRIMESTER SYSTEM (H.B. 1244 – Haire, Tolson)**

**SECTION 27.1.** The State Board of Community Colleges may study the feasibility of converting the academic calendar for most of the constituent institutions of the North Carolina Community College System from a semester system to a trimester system.

The goal of the study is to evaluate whether switching to a trimester system would better enable a college to more fully use its campus facilities during the summer while still maintaining the academic and programmatic integrity of the institution. The State Board of Community Colleges may consider how a conversion to a trimester system would change campus culture at each college that is included in the study, the challenges of enticing people to participate, particularly in a summer trimester, and the issues related to workload distribution and student support. In its study, the State Board of Community Colleges also may analyze and evaluate how converting to a trimester system would affect all of the following at each college included in the study: student life; financial aid; athletic programs; student government; student

learning; the need, if any, for additional faculty, and if additional faculty are needed, then the academic areas in which they would be needed; faculty research; registration; housing; maintenance; and utilities.

**SECTION 27.2.** The State Board of Community Colleges may report its findings and recommendations to the Joint Legislative Education Oversight Committee by December 1, 2009.

**PART XXVIII. CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD TO STUDY THE FEASIBILITY OF CREATING AN AUTOMATED PAWN TRANSACTION DATABASE SYSTEM (H.B. 1282 – Underhill)**

**SECTION 28.1.** The Criminal Justice Information Network Governing Board may study the feasibility of developing and maintaining an automated system that would receive pawn transaction data electronically from pawn shops and provide access to law enforcement agencies for retrieving information about pawn shop transactions Statewide as part of the Criminal Justice Information Network. The study may consider issues related to the State's role in regulating pawn shops in order to identify and minimize illegal activities, recover stolen property, verify compliance with applicable laws, and ensure a legitimate environment for consumers by decreasing the cost of regulation, improving law enforcement services and effectiveness, enabling information sharing among law enforcement and regulatory authorities, and impacting related crimes. The Board may report its findings and recommendations, including any legislative proposals, to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on or before March 31, 2010.

**PART XXIX. DEPARTMENT OF CORRECTION TO STUDY COMPREHENSIVE REFORM OF THE STATE'S APPROACH TO COMMUNITY CORRECTIONS (S.B. 796 – Rand; H.B. 876 – Wainwright)**

**SECTION 29.1.** The Department of Correction, in consultation with the Sentencing and Policy Advisory Commission, the Administrative Office of the Courts, the Conference of District Attorneys, Office of Indigent Defense Services, the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, the School of Government at the University of North Carolina at Chapel Hill, and other organizations and agencies it deems appropriate, may study comprehensive reform of the State's approach to community corrections. The study may consider the integration of evidence-based practices into all aspects of community corrections and the development of cost-effective ways to manage offenders without compromising public safety. The study may review data from North Carolina and other states to identify best practices in community-based supervision and treatment, proven through research-based evidence to reduce crime, decrease offender recidivism rates, and improve offender reintegration into society. The study may estimate the costs of the identified programs and their projected impact on offender populations in prison and under community supervision. The Department may report its findings, including proposed legislation to enact a comprehensive Community Corrections Act, to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than April 1, 2010.

**PART XXX. DEPARTMENTS OF CORRECTION AND JUSTICE TO STUDY THE ESTABLISHMENT OF A NORTH CAROLINA CORRECTIONAL AND PROBATION OFFICER EDUCATION AND TRAINING STANDARDS COMMISSION (S.B. 1086 – Snow)**

**SECTION 30.1.** The North Carolina Department of Correction and the North Carolina Department of Justice may study all of the following:

- (1) Issues that impede the timely certification of correctional officers and probation/parole officers and ways to expedite the certification process.
- (2) The current minimum education and training requirements for correctional and probation/parole officers and whether those requirements are necessary and appropriate for certified employees of the Department of Correction.
- (3) Inconsistencies between rules promulgated by the North Carolina Criminal Justice Education and Training Standards Commission and applicable State and federal laws, and ways to resolve those inconsistencies.



- (4) The current process of certifying criminal justice training schools and programs or courses of instruction and whether that process could be expedited.
- (5) Ways to improve communication and cooperation between the Criminal Justice Standards Division and the Department of Correction regarding the employment, education, training, and retention of correctional officers and probation/parole officers.
- (6) Ways to expedite and enhance the technical assistance the Criminal Justice Standards Division provides to the Department of Correction pursuant to Chapter 17C of the General Statutes.
- (7) The feasibility and advisability of establishing a separate training and standards commission for State correctional officers and probation/parole officers.

**SECTION 30.2.** The Department of Correction and the Department of Justice may report their findings and recommendations no later than April 1, 2010, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

**PART XXXI. DEPARTMENT OF JUSTICE TO STUDY THE FEASIBILITY AND IMPLICATIONS OF ALLOWING CANDIDATES FOR LAW ENFORCEMENT CERTIFICATION TO BE GIVEN CREDIT TOWARDS COMPLETION OF BASIC LAW ENFORCEMENT TRAINING (H.B. 99 – Killian, Burr, Wiley, R. Warren)**

**SECTION 31.1.** The Department of Justice may study the feasibility and implications of allowing candidates for law enforcement certification to be given credit towards completion of the basic law enforcement training requirements by substituting prior military police officer training and service for required coursework. The study may examine the cost-effectiveness, efficiency, liability, and any other issue arising from the substitution of prior military training for required basic law enforcement training that may affect the quality of training of candidates for law enforcement certification.

**SECTION 31.2.** The Department of Justice may report its findings to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than February 1, 2010. Along with its findings, the Department of Justice may make recommendations for changes in policies and submit any recommended legislation for changes in the General Statutes.

**PART XXXII. POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO STUDY ISSUES RELATED TO HABITUAL OFFENDERS (H.B. 1360 – Haire)**

**SECTION 32.1.** The Post-Release Supervision and Parole Commission may evaluate the current prison population and identify the prisoners who are habitual offenders but whose felony offenses consist solely of Class I and Class H felonies. The Commission may study the feasibility of reducing the sentence for each prisoner in that particular habitual offender category as follows: (i) reduce the prisoner's sentence to equal the active time required by the sentencing grid under G.S. 15A-1340.17 for the highest level of the highest underlying felony in the indictment that charged the prisoner as an habitual felon and (ii) also give credit to the prisoner for time served. In its study the Commission may also consider the feasibility of amending the current habitual felon law to provide that Class G and Class F felony convictions on a defendant's record that are at least 10 years old from the date the defendant's citizenship rights have been restored may not be considered. The Commission may also consider any other issues relevant to its studies under this section.

**PART XXXIII. NORTH CAROLINA COURTS COMMISSION STUDIES**

**SECTION 33.1.** The North Carolina Courts Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

**SECTION 33.2.** Judicial Department and General Court of Justice (Clodfelter) – The Commission may study the structure, organization, jurisdiction, procedures and personnel of the Judicial Department and of the General Court of Justice and subsequently make

recommendations to the General Assembly for changes in order to facilitate the administration of justice.

**SECTION 33.3.** Supreme Court Rule Making (S.B. 862 – Clodfelter) – The Commission may study whether to authorize the supreme court to revise the Rules of Civil Procedure and the Rules of Evidence.

**PART XXXIV. NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION TO STUDY THE ISSUE OF STATE OVERSIGHT AND COORDINATION OF SERVICES TO VICTIMS OF SEXUAL VIOLENCE AND WHETHER SEXUAL VIOLENCE SHOULD BE INCLUDED AS A FOCUS AREA OF THE COMMISSION (S.B. 223 – Boseman, Atwater; H.B. 115 – McLawhorn, Ross, Farmer-Butterfield, Johnson)**

**SECTION 34.1.** The North Carolina Domestic Violence Commission, in consultation with the North Carolina Coalition Against Domestic Violence and the North Carolina Coalition Against Sexual Assault, may study the issue of State oversight and coordination of services to victims of sexual violence and whether sexual violence should be included as a focus area of the Commission. The study may include, but is not limited to, a review of the organization and membership of entities in other states that (i) provide information and recommendations to state legislatures on domestic and sexual violence and (ii) information and services to the public on these issues. The Commission may report its findings and recommendations to the Joint Legislative Committee on Domestic Violence by July 1, 2010.

**PART XXXV. CHILD FATALITY TASK FORCE TO STUDY ISSUES RELATING TO CHILD DRUG USE AND PARENTS WHO SUPPLY DRUGS TO THEIR CHILDREN (S.B. 905 – Clary)**

**SECTION 35.1.** The North Carolina Child Fatality Task Force may study the issue of how to recognize and care for children who are using drugs for purposes other than legitimate health issues and whose parents appear to be providing the drugs to their children. In conducting the study, the Task Force may consider all of the following:

- (1) Whether testing is appropriate to determine whether a child is using drugs, and if so, the type of testing that would be appropriate.
- (2) What procedure should be followed to obtain permission to test a child for suspected drug use, particularly if there is a reasonable suspicion that a parent is supplying the drugs to the child.
- (3) What options are available to deal with a parent who provides drugs to a child when the drugs are not required to address health issues.
- (4) What intervention and treatment programs are available for both parents and children regarding drug use by children.
- (5) What legal action, if any, may be taken against a parent who is supplying drugs to a child.
- (6) Any other items the Task Force deems relevant to the study.

**SECTION 35.2.** The Task Force may report its findings and recommendations, including recommended legislation, to the 2010 Regular Session of the 2009 General Assembly on or before May 1, 2010.

**PART XXXVI. DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF TOLLING ALL INTERSTATE HIGHWAYS ENTERING INTO THIS STATE IN COOPERATION WITH EACH SURROUNDING STATE (H.B. 1245 – Haire, Cole)**

**SECTION 36.1.** The North Carolina Department of Transportation may study the feasibility of tolling all interstate highways entering into this State. In studying this issue, the Department may:

- (1) Ascertain the process for getting permission from the United States Department of Transportation to toll all existing highways designated as interstate routes.
- (2) Conduct a cost-benefit analysis of engaging the surrounding states in a compact that will allow for toll collections at state lines and a division, between the affected states, of tolls collected based on the percentage of total miles of an interstate highway that is in each state.

- (3) Determine the cost benefit of tolling existing highways designated as interstate routes.
- (4) Determine the actual cost of construction of toll booths at or near a state line factoring in inflation.
- (5) Determine any revenue or fund losses based on tolling existing highways designated as interstate routes.

**SECTION 36.2.** The Department may make a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division not later than March 1, 2010. The report may include the required information, any previous legislation that was enacted or repealed that deals with this issue, and any recommended legislation.

**PART XXXVII. DEPARTMENT OF TRANSPORTATION TO STUDY LOCATION OF SOUTHEAST HIGH-SPEED RAIL CORRIDOR FROM HENDERSON TO ROANOKE RAPIDS IN CONJUNCTION WITH US 158 IMPROVEMENTS. (Jenkins)**

**SECTION 37.1.** The Department of Transportation Rail Division may study and consider locating any Raleigh to Richmond southeast high-speed passenger rail improvements in a corridor from Henderson to Roanoke Rapids, in the same location with the planned four-lane freeway location of US 158.

**SECTION 37.2.** The Department may make a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division on the results of its study not later than March 1, 2010.

**PART XXXVIII. MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES (S.B. 105 – Albertson)**

**SECTION 38.1.** The Marine Fisheries Commission may study the current statutes and rules for suspension, revocation, and reissuance of marine resources licenses and permits issued under Articles 14A, 14B, and 25A of Chapter 113 of the General Statutes.

**PART XXXIX. DEPARTMENT OF AGRICULTURE TO STUDY WHETHER THE CURRENT REGULATION OF THE LAND APPLICATION OF SEPTAGE AND SLUDGE ADEQUATELY PROTECTS HUMAN HEALTH AND THE ENVIRONMENT (H.B. 1170 – Blackwood)**

**SECTION 39.1.** The Department of Agriculture and Consumer Services may study the extent to which septage and sewage sludge is being spread or applied to land in North Carolina; whether changes in the permitting process are needed to protect rural communities from toxic waste; whether current regulation of septage or sludge spreading is adequate; and whether changes are needed so that the combined effects of the land application of animal wastes and municipal wastes are not detrimental to the people, domestic animals, or wildlife of North Carolina or to the land and waters of the State. While conducting this study, the Department of Agriculture and Consumer Services may also:

- (1) Work with the local Soil and Water Conservation Districts to determine the total volume of septage and sewage sludge being spread or land applied by county and post maps on NC OneMap as soon as possible showing all of the following:
  - a. Where septage and sludge are being spread or land applied;
  - b. The quantities of septage and the quantities of sludge being spread or land applied; and
  - c. The source of the septage and the source of the sludge being spread or land applied.
- (2) Share the information gathered under subdivision (1) of this section with the county commissioners of each county.
- (3) Consider whether the pesticide program administered by the Department of Agriculture and Consumer Services should be expanded to regulate transportation and application of all wastes that may, under United States Environmental Protection Agency guidelines, include waste that would be considered hazardous if it were not commingled with domestic sewage.
- (4) Determine what fees would be necessary to establish a regulatory program that would include sufficient testing to be assured that any septage or sludge

that is spread or land applied is free of pathogens and free of heavy metals so that neither the material spread nor any runoff or airborne residue of that material are capable of having a cumulative negative impact on human health, the land, or the flora and fauna in the area of the land application.

- (5) Work with The University of North Carolina to identify cost-effective alternatives to land application as a method of disposing of septage and sludge that protect public health and protect farmland from the cumulative effects of using farmland as a waste disposal facility.

**SECTION 39.2.** The Department of Agriculture and Consumer Services may report its findings, including any recommendations and any legislative proposals or administrative actions, to the General Assembly no later than May 1, 2010.

**PART XL. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF AIR QUALITY, TO STUDY HOW TO COMPLY WITH THE FEDERAL REQUIREMENTS FOR AMBIENT AIR QUALITY WHILE REDUCING THE FREQUENCY OF EMISSIONS INSPECTIONS ON MOTOR VEHICLES THAT ARE LESS THAN FOUR MODEL YEARS OLD (S.B. 857 –Albertson)**

**SECTION 40.1.** The Department of Environment and Natural Resources, Division of Air Quality, may study how to comply with the federal requirements for ambient air quality while reducing the frequency of emissions inspections on motor vehicles that are less than four model years old. This study should determine the impact on ambient air quality and the ability of the State to meet the federal air quality standards if vehicles that are less than four model years old are exempted from the emissions inspection requirements of Article 3A of Chapter 20 of the General Statutes. This study should also include revenue estimates showing any cost savings to the inspection program within the Division of Motor Vehicles, any loss of funding from the federal government for air quality programs, and revenue loss to other programs for uncollected fees.

**SECTION 40.2.** The Department of Environment and Natural Resources, Division of Air Quality, may report its findings to the Joint Legislative Transportation Oversight Committee, Joint Environment and Natural Resources Oversight Committee, the Joint Program Evaluation Oversight Committee, the Program Evaluation Division, and the Fiscal Research Division not later than December 31, 2009. The report may include all findings of the study and any recommended legislation appropriate to address the study findings.

**PART XLI. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY EXISTING LAWS AND POLICIES RELATED TO THE USE OF TEMPORARY EROSION CONTROL STRUCTURES (S.B. 998 –Jenkins)**

**SECTION 41.1.** Study. – The Department of Environment and Natural Resources, in consultation with the Coastal Resources Commission, may study existing laws and policies related to the use of temporary erosion control structures for purposes of protecting imminently threatened roads and buildings and may determine whether changes should be made in law or policy to better manage eroding shorelines in a manner consistent with protection of the environmental, recreational, and economic value of the beaches and unobstructed public access to the beach. The study may give special consideration to use of temporary erosion control structures on inlet shorelines and in communities actively pursuing a beach nourishment project.

**SECTION 41.2.** Report. – No later than April 1, 2010, the Department of Environment and Natural Resources may report its findings, including any recommended legislation, to the Environmental Review Commission. No later than June 1, 2010, the Department may report to the Environmental Review Commission on progress toward completion of the Beach and Inlet Management Plan required by S.L. 2000-67.

**PART XLII. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY MEASURES TO MITIGATE THE IMPACT OF EROSION-THREATENED STRUCTURES ON THE PUBLIC BEACH (S.B. 636 –Brown)**

**SECTION 42.1.** The Department of Environment and Natural Resources, in consultation with the North Carolina Department of Insurance, the Federal Emergency Management Agency, and local government representatives from municipalities and counties with jurisdiction over ocean and inlet shorelines, may study measures to mitigate the impact of

erosion-threatened structures on the public beach and reduce potential public costs by relocating imminently threatened structures. In conducting the study, the Department of Environment and Natural Resources may do all of the following:

- (1) Identify potential sources of funding for relocation of structures, including federal hazard mitigation funds and insurance policies.
- (2) Review programs in other states that address erosion hazards through relocation of imminently threatened structures.
- (3) Describe existing State and local government authority to address erosion-threatened structures on ocean and inlet shorelines.
- (4) Identify potential obstacles to creation of a hazard mitigation program to relocate imminently threatened structures.

**SECTION 42.2.** The Department of Environment and Natural Resources may report the results of the study and any recommendations to the Environmental Review Commission no later than September 1, 2010.

### **PART XLIII. LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE (Crawford, Owens)**

**SECTION 43.1.** There is created the Legislative Study Commission on Water and Wastewater Infrastructure. The Commission shall consist of 17 members appointed as follows:

- (1) Four members of the House of Representatives, appointed by the Speaker of the House of Representatives.
- (2) Four members of the Senate, appointed by the President Pro Tempore of the Senate.
- (3) Two members appointed by the Governor.
- (4) The Secretary of the North Carolina Department of Environment and Natural Resources or the Secretary's designee.
- (5) The Secretary of the North Carolina Department of Commerce or the Secretary's designee.
- (6) The President of the North Carolina Rural Economic Development Center or the President's designee.
- (7) The Executive Director of the North Carolina Clean Water Management Trust Fund or the Executive Director's designee.
- (8) The Executive Director of the North Carolina League of Municipalities or the Executive Director's designee.
- (9) The Executive Director of the North Carolina Association of County Commissioners or the Executive Director's designee.
- (10) The Chair of the State Water Infrastructure Commission.

**SECTION 43.2.** The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair. The Commission may meet at any time upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its members.

Vacancies on the Commission shall be filled by the same appointing authority that made the initial appointment.

Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Director of Legislative Assistants shall assign clerical support staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission.

In addition, the State agencies and nonprofits serving on the Commission shall cooperate in providing information and additional staff resources as needed to accomplish the work of the Commission.

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

Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

**SECTION 43.3.** The Legislative Study Commission on Water and Wastewater Infrastructure shall focus on the development of an ongoing process to identify and regularly report to the North Carolina General Assembly on statewide water and wastewater infrastructure needs and to improve the delivery of State appropriated water and wastewater programs. The Commission shall specifically do all of the following:

- (1) Evaluate the information provided through the drinking water and wastewater needs assessment prepared by the Environmental Protection Agency (EPA) every four years; the drinking water and wastewater needs surveys currently done by the North Carolina Department of Environment and Natural Resources in support of the EPA needs assessment; the data compiled as part of Water 2030 by the North Carolina Rural Economic Development Center, Inc.; and any other existing data sets in order to determine what information currently exists and where there may be gaps in the data.
- (2) Study an ongoing method for regularly determining and reporting on the State's water and wastewater infrastructure needs, including the subject of small towns whose water or sewer rates exceed the high-unit-cost threshold as defined in G.S. 159G-20.
- (3) Select a method for identifying and reporting on infrastructure needs in the future.
- (4) Review infrastructure funding priorities currently set out in State law to determine whether the priorities appropriately reflect the State's most pressing needs in light of future growth projections.
- (5) Recommend changes to infrastructure funding priorities and appropriations processes to ensure that funds are used to meet the State's most pressing needs.
- (6) Ascertain the capacity and role of the State in bridging identified gaps between funding priorities and available funds.
- (7) Determine what steps funding agencies can take to improve the delivery of existing funding programs, including the following options:
  - a. Developing common application requirements;
  - b. Scheduling regular joint meetings between funders and applicants;
  - c. Where projects are jointly funded, exploring options to share and improve oversight responsibilities; and
  - d. Coordinating reporting requirements to produce a single integrated funders report on an annual basis.

**SECTION 43.4.** As used in subdivision (7) of Section 43.3, "funding agencies" means the Department of Commerce, the Department of Environment and Natural Resources, the Clean Water Management Trust Fund, and the Rural Economic Development Center.

**SECTION 43.5.** On or before May 1, 2010, the Legislative Study Commission on Water and Wastewater Infrastructure shall submit an interim report to the 2009 General Assembly, Regular Session 2010. This interim report shall include any findings or recommendations of the Commission at that time. In addition, no later than the convening of the 2011 General Assembly, the Commission shall submit a final report to the General Assembly. This final report shall include the Commission's findings and recommendations under this study, including any legislative or administrative proposals. The Commission shall terminate upon the earlier of the filing of its final report or the convening of the 2011 General Assembly.

**PART XLIV. DEPARTMENT OF ADMINISTRATION TO STUDY ISSUES RELATED TO THE OWNERSHIP OF PUBLIC LAND LOCATED IN NORTH CAROLINA (H.B. 1141 – Allen, Blackwood)**

**SECTION 44.1.** The Department of Administration, State Property Office, may study issues related to the ownership of public land located in North Carolina. In conducting its study, the Department of Administration may determine the following:

- (1) The acreage and percentage of North Carolina's land mass owned by the federal government, including federal parks, military bases, and national forests, divided into appropriate subcategories.

- (2) The acreage and percentage of North Carolina's land mass owned by the State, including parks, forests, public universities and colleges, community colleges, mitigation land, North Carolina Railroad, the State Ports Authority, and the Department of Transportation.
- (3) The acreage and percentage of North Carolina's land mass owned by municipalities, counties, public school districts, and other governmental entities.

**SECTION 44.2.** The Department of Administration may submit a report of its findings listed by county to the House of Representatives Committee on Environment and Natural Resources and the Senate Committee on Agriculture, Environment, and Natural Resources by May 1, 2010.

**PART XLV. DEPARTMENT OF INSURANCE TO STUDY PROVISIONS OF THE PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION MODEL ACT AND TO STUDY CHANGES TO THE OPERATIONAL PLAN OF THE INSURANCE GUARANTY ASSOCIATION THAT SHOULD BE MADE TO STREAMLINE AND SIMPLIFY THE REIMBURSEMENT PROCESS FOR CLAIMANTS (H.B. 1458 – Stewart)**

**SECTION 45.1.** The Department of Insurance may study the latest version of the Property and Casualty Insurance Guaranty Association Model Act (the Act) and determine what provisions of the Act should be incorporated into Article 48 of Chapter 58 of the General Statutes. The Department may also study how the Insurance Guaranty Association (the Association) might revise its plan of operation to streamline and simplify the process for claimants seeking reimbursement from the Association. The Department may report its findings, including proposed legislation, to the House of Representatives Insurance Committee and the Senate Commerce Committee no later than April 1, 2010.

**PART XLVI. JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE (Berger of Rockingham)**

**SECTION 46.1.** The Joint Legislative Elections Oversight Committee may study the constitutionality of Article 22A of Chapter 163 of the General Statutes and make recommendations to the 2010 Regular Session of the 2009 General Assembly on or before its convening.

**PART XLVII. COMMISSION TO STUDY THE GOVERNANCE AND ADEQUACY OF THE INVESTMENT AUTHORITY OF VARIOUS STATE-OWNED FUNDS FOR THE PURPOSES OF ENHANCING THE RETURN ON INVESTMENTS (Michaux)**

**SECTION 47.1.** There is established the Commission to Study the Governance and the Adequacy of the Investment Authority of Various State-Owned Funds for the Purposes of Enhancing the Return on Investments.

**SECTION 47.2.(a)** The Commission shall be composed of 18 members as follows:

- (1) Five members of the Senate, appointed by the President Pro Tempore of the Senate.
- (2) Five members of the House of Representatives, appointed by the Speaker of the House of Representatives.
- (3) The State Treasurer or her or his designee.
- (4) A representative from The University of North Carolina System.
- (5) A representative from the Community College System.
- (6) A representative from the Office of the State Controller.
- (7) A representative from the Office of State Budget and Management.
- (8) One member of the banking community, appointed by the President Pro Tempore of the Senate.
- (9) One member who is a certified public accountant, appointed by the Speaker of the House of Representatives.
- (10) One member who is a certified financial advisor with investment expertise, appointed by the Governor.

Vacancies on the Commission shall be filled by the appointing authority. The Commission shall be chaired by a Senator and a Representative designated by the appointing authority. A quorum of the Commission shall be 10 members.

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

The Commission may meet at any time upon call of the chairs. The Commission may meet in the Legislative Building, the Legislative Office Building, the Offices of the State Treasurer, or any other location as agreed upon by the Commission. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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

**SECTION 47.2.(b)** The initial meeting of the Commission shall be called by the cochairs.

**SECTION 47.3.** The Commission shall study issues relating to the source, nature, purpose, and distribution of various State funds. As part of its study, the Commission may examine issues related to:

- (1) The identification, documentation, and categorization of funds, including:
  - a. The source of the funds.
  - b. The current location and type of fund.
  - c. Fund balances, including amounts needed to maintain adequate cash flow and amounts available for investments.
  - d. Guiding documents.
  - e. Governance structure.
  - f. Current protections and investment authority.

The Commission may consider any other issues it deems relevant to this study.

**SECTION 47.4.** The Commission shall make an interim report to the 2010 Regular Session of the 2009 General Assembly prior to its convening, and shall make a final report to the 2010 Regular Session of the General Assembly. The report shall include any proposed legislation.

## **PART XLVIII. JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS AND THE CONSUMER FINANCE ACT (H.B. 1341 – Holliman, Brubaker)**

**SECTION 48.1.** There is created the Joint Legislative Study Commission on the Modernization of North Carolina Banking Laws and the Consumer Finance Act. The purpose of the Commission is to determine whether and to what extent the North Carolina Banking Laws and the Consumer Finance Act (Article 15 of Chapter 53 of the General Statutes) need to be updated.

**SECTION 48.2.** The Commission shall consist of 16 members as follows:

- (1) Five members of the House of Representatives, appointed by the Speaker of the House of Representatives.
- (2) Five members of the Senate, appointed by the President Pro Tempore of the Senate.
- (3) One member of the consumer finance industry, one member representing a State-chartered bank, and one member of a consumer advocacy organization, each appointed by the Speaker of the House of Representatives.
- (4) One member of the consumer finance industry, one member representing a State-chartered bank, and one member of a consumer advocacy organization, each appointed by the President Pro Tempore of the Senate.

**SECTION 48.3.** The Commission shall have two cochairs, one designated by the Speaker of the House of Representatives and one designated by the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the cochairs. Any vacancy on the Commission shall be filled by the original appointing authority. A quorum of the Commission shall be a majority of its members.



**SECTION 48.4.** The Commission shall study the following issues related to the modernization of the North Carolina Consumer Finance Act:

- (1) The increase in costs of operations for the consumer finance industry and its impact on the delivery of products to the public.
- (2) The maximum dollar amount that can be lent to an individual consumer.
- (3) The appropriate rate of interest and fees to be charged for each level of consumer transaction.
- (4) Strategies for increasing consumer protection and disclosure.

**SECTION 48.5.** The Commission also shall study any issue related to the Banking Laws of North Carolina that the Commission deems appropriate.

**SECTION 48.6.** Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet in the Legislative Building or the Legislative Office Building.

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

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

**SECTION 48.7.** The Commissioner of Banks shall use up to twenty-five thousand dollars (\$25,000) of the funds available to the State Banking Commission for the 2009-2010 fiscal year to fund the study authorized by this act.

**SECTION 48.8.** The Commission shall report the results of its study and its recommendations, including any proposed legislative changes, to the 2010 Regular Session of the 2009 General Assembly. The Commission shall terminate on May 1, 2010, or upon the filing of its final report, whichever occurs first.

#### **PART XLIX. LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY (Yongue)**

**SECTION 49.1.** There is created the Legislative Task Force on Childhood Obesity.

**SECTION 49.2.** The Task Force shall consist of 12 members as follows:

- (1) Six members of the House of Representatives.
- (2) Six members of the Senate.

**SECTION 49.3.** The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Vacancies on the Task Force shall be filled by the same appointing authority that made the initial appointment. A quorum of the Task Force shall be a majority of its members.

**SECTION 49.4.** The Task Force shall include, but should not be limited to, study of issues relating to childhood obesity. In the course of the study, the Task Force shall consider and recommend to the General Assembly strategies for addressing the problem of childhood obesity and encouraging healthy eating and increased physical activity among children through:

- (1) Early childhood intervention;
- (2) Childcare facilities;
- (3) Before and after-school programs;
- (4) Physical education and physical activity in schools;
- (5) Higher nutrition standards in schools;
- (6) Comprehensive nutrition education in schools;
- (7) Increased access to recreational activities for children;
- (8) Community initiatives and public awareness; and
- (9) Other means.

**SECTION 49.5.** The Task Force shall encourage input from public nonprofit organizations, promoting healthy lifestyles for children, addressing the problems related to childhood obesity, encouraging healthy eating, and increasing physical activity among children.

**SECTION 49.6.** Members of the Task Force shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Task Force, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at anytime upon the joint call of the cochairs. The Task Force may meet in the Legislative Building or the Legislative Office Building.

With approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist the Task Force in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Task Force, and the expenses relating to the clerical employees shall be borne by the Task Force. The Task Force may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services.

All State departments and agencies and local governments and their subdivisions shall furnish the Task Force with any information in their possession or available to them.

**SECTION 49.7.** The Task Force shall submit a final report of the results of its study and its recommendations to the 2010 Regular Session of the 2009 General Assembly. The Task Force shall terminate on May 1, 2010, or upon the filing of its final report, whichever occurs first.

## **PART L. STUDY COMMISSION ON NORTH CAROLINA'S ENERGY FUTURE (Hoyle)**

**SECTION 50.1.** There is established the Study Commission on North Carolina's Energy Future.

**SECTION 50.2.** The Commission shall be composed of 19 members as follows:

- (1) Five members of the Senate appointed by the President Pro Tempore of the Senate.
- (2) Five members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (3) The Chief Executive Officers of Progress Energy, Duke Energy, NCEMC, and Electricities, or their designees.
- (4) One residential customer, appointed by the Speaker of the House of Representatives.
- (5) One commercial customer, appointed by the President Pro Tempore of the Senate.
- (6) One industrial customer, appointed by the President Pro Tempore of the Senate.
- (7) One "Green energy" advocate, appointed by the Governor.
- (8) One environmental advocate, appointed by the Speaker of the House of Representatives.

Public members shall be residents of the State. Vacancies on the Commission shall be filled by the appointing authority. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a co-chair, who shall be a member of the General Assembly. A quorum of the Commission shall be 10 members.

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

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

**SECTION 50.3.** The Commission may examine issues related to:

- (1) Ensuring the State has appropriate statutes and regulations in place to respond to any federal requirement for renewable energy or carbon reduction.

- (2) Examining the cost, availability and pricing of electric service to ensure an adequate, reliable and affordable source of energy to all consumers in North Carolina, including, but not limited to examination of fuel mix, impact of conservation on load, and impact of renewable energy on price and reliability.
- (3) Examining utility access to capital finance markets and recommend to the General Assembly necessary changes to the traditional rate-case method of financing major utility capital projects.

**SECTION 50.4.** The Commission may make an interim report to the General Assembly by May 1, 2010, and a final report, including any proposed legislation, to the 2011 General Assembly upon its convening. The Commission shall terminate upon filing its final report or upon the convening of the 2011 General Assembly, whichever is earlier.

## **PART LI. CHANGE MEMBERSHIP OF REVENUE LAWS STUDY COMMITTEE (S.B. 574 – Hoyle)**

**SECTION 51.1.** G.S. 120-70.105 reads as rewritten:

"§ 120-70.105. **Creation and membership of the Revenue Laws Study Committee.**

(a) **Membership.** – The Revenue Laws Study Committee is established. The Committee consists of ~~16~~ 20 members as follows:

- (1) ~~Eight~~ Ten members appointed by the President Pro Tempore of the Senate; the persons appointed may be members of the Senate or public members.
- (2) ~~Eight~~ Ten members appointed by the Speaker of the House of Representatives; the persons appointed may be members of the House of Representatives or public members.

(b) **Terms.** – Terms on the Committee are for two years and begin on January 15 of each odd-numbered year, except the terms of the initial members, which begin on appointment. Legislative members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

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

## **PART LII. OUT-OF-STATE TRAVEL**

**SECTION 52.1.** For legislative studies authorized by this act, out-of-state travel must be authorized by the President Pro Tempore of the Senate or the Speaker of the House of Representatives, as appropriate.

## **PART LIII. BILL AND RESOLUTION REFERENCES**

**SECTION 53.1.** The listing of the original bill or resolution in this act is for reference purposes only and may not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

## **PART LIV. EFFECTIVE DATE AND APPLICABILITY**

**SECTION 54.1.** Except as otherwise specifically provided, this act is effective when it becomes law. If a study is authorized both in this act and in the Current Operations and Capital Improvements Appropriations Act of 2009, the study shall be implemented in accordance with the Current Operations and Capital Improvements Appropriations Act of 2009 as ratified.

In the General Assembly read three times and ratified this the 11<sup>th</sup> day of August, 2009.

s/ Walter H. Dalton  
President of the Senate

s/ Joe Hackney  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 3:29 p.m. this 10<sup>th</sup> day of September, 2009