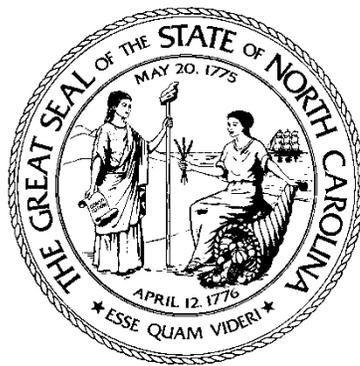


**HOUSE SELECT COMMITTEE ON HIGH SPEED INTERNET
ACCESS IN RURAL AREAS**



REPORT TO THE
NORTH CAROLINA
HOUSE OF REPRESENTATIVES

May 2010

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HOUSE SELECT COMMITTEE ON HIGH SPEED INTERNET IN RURAL AREAS



May 11, 2010

TO THE SPEAKER AND MEMBERS OF THE HOUSE OF
REPRESENTATIVES:

Attached for your consideration is the report of the House Select Committee on High Speed Internet in Rural Areas established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2009 General Assembly.

Respectfully submitted,

Representative Bill Faison

Chair

House Select Committee on High Speed Internet in Rural Areas

PREFACE

The House Select Committee on High Speed Internet in Rural Areas was authorized by the Speaker of the House of Representatives on October 27, 2009. The charge of the committee was to study the availability of high-speed Internet access in rural areas and in low-wealth, urban areas of the State having a population of 100,000 or more according to the most recent federal decennial census. The committee was also authorized to:

- (1) Consider whether rural and underserved urban areas have adequate access to high-speed Internet and offer proposals to assure access to high speed Internet in these areas.
- (2) Examine the impact of high-speed Internet access on education, small businesses, agriculture, and medical services.
- (3) Evaluate the economic impact of high-speed Internet access for individuals, cities, counties, and the State of North Carolina.
- (4) Identify technical issues associated with providing high-speed Internet access, including the availability of necessary equipment.
- (5) Identify the potential costs to Internet providers.
- (6) Examine rate considerations, including whether customers will pay the total costs or whether the costs will be spread through the rate- making process.
- (7) Explore the impact of recent legislation allowing phone companies to provide cable service and high-speed Internet access.
- (8) Study administrative actions that can result in immediate promotion of broadband access and usage within the State.
- (9) Make specific recommendations as to how North Carolina can take advantage of opportunities for and eliminate any related barriers to broadband access and adoption.
- (10) 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.
- (11) Study local government owned and operated communication services.
- (12) Study the use of 911 Funds by Public Safety Answering Points (PSAPS).
- (13) Study any other issue the Committee deems relevant.

The letter of authorization, which includes a listing of the full membership of the Committee, is included in Appendix A of this report.

Representative Bill Faison was appointed to chair the Committee. A committee notebook containing the committee minutes and all information presented to the committee will be placed on file in the Legislative Library.

COMMITTEE PROCEEDINGS

The House Select Committee on High Speed Internet in Rural Areas held seven meetings from October 2009 through May 2010. At each meeting the Committee provided interested parties an opportunity to be heard on the issues and received additional comments from the public. Among the parties presenting testimony were broadband services providers, representatives of the e-NC Authority, municipalities that provide service to their citizens, MCNC, and various education and business organizations, public officials, concerned citizens, and citizen advocacy groups. All the parties acknowledged the critical importance of high speed internet access. Service providers view high speed internet as an important part of their future business plan, while citizens see it as a necessity for educating their children, conducting their small businesses, and participating in the culture of the information age. Universally available high speed internet deployment is essential for North Carolina's economic growth and prosperity.

October 10, 2009 Meeting Summary

The Committee held its first meeting on October 10, 2009. The Chairman gave a brief overview of the Committee's charge to examine the availability of high speed internet in the State, and to consider the feasibility of legislation that would facilitate joint efforts to ensure that citizens in our State have access to high speed internet. The availability of high speed internet may become the new backbone of our economic and educational growth.

Jane Smith Patterson (Executive Director, e-NC Authority) was recognized to present to the committee. Ms. Patterson discussed the American Recovery and Reinvestment Act of 2009–Broadband Initiatives and told the committee that Governor's Office of Economic Recovery and Investment (OERI) oversees ARRA Broadband Initiatives in North Carolina. She also explained the role the e-NC Authority had been asked by OERI to play in this process.

John McHugh (Policy Analyst, Governor's Office) was recognized to present to the committee. Mr. McHugh told the committee that the Governor put together a Broadband Technology Opportunities Program (BTOP) Review Committee to review all applications and make recommendations as to whom the committee felt met all federal requirements.

Herb Crenshaw (Director, External Affairs, AT&T) was recognized to present to the committee. Mr. Crenshaw said there are barriers to the adoption of broadband that the general public's "take rate" for broadband service.

November 23, 2009 Meeting Summary

The Committee held its second meeting on November 23, 2009.

The Chairman also explained the agenda as it pertained to House Bill 1252 - Level Playing Field/Cities/Service Providers.

The focus of the meeting was on municipalities and their use of resources. Cities are free to cross-subsidize their competitive activity with their non-competitive governmental services like electric service or gas service to provide High Speed Broadband access and other communication tools, to their citizens.

Marcus Trathan (North Carolina Cable Association) was recognized to present to the committee. Mr. Trathan's discussed a case that was brought before the NC Court of Appeals in 2005, and the decision issued in a case called *BellSouth v. City of Laurinburg*.

Lyman Horne (Executive VP and General Manager, Star Telephone Membership Corporation) was recognized to present to the committee. Ms. Horne discussed how the private sector made extensive investments in municipal areas.

Kelli Kukura (Director of Government Affairs, NCLM) was recognized to present to the committee. Ms. Kukura indicated the real issue was that there are significant problems that North Carolina faces in delivering broadband infrastructure fairly and without bias to North Carolina citizens.

Susan Kluts (Mayor, Salisbury, North Carolina) was recognized to present to the committee. Ms. Kluts stated that Salisbury began to look at the infrastructure needed to make them more competitive in the new global information economy and that a fiber infrastructure was the future of Salisbury and driver of economic development.

Grant Goings (City Manager, Wilson, North Carolina) and Mark Prak (North Carolina Cable Telecommunications Association) were recognized to make additional comments to the committee.

December 14, 2009 Meeting Summary

The third meeting of the Committee was held on December 14, 2009.

Chairman Faison explained that this meeting was a continuation of our last meeting which was House Bill 1252 Level Playing Field/Cities/Service Providers. The Question being considered was whether municipalities will be able to continue using their resources, unfettered, to provide High Speed Broadband access and other communication tools, to their citizens. The Chairman also explained the agenda which would be Proponents of the bill, Opponents of the bill, Proponents of the bill, Q&A, then the "White Space" speaker.

Herb Crenshaw (Director, External Affairs, AT&T) was recognized to present to the committee. Mr. Crenshaw stated that AT&T was not opposed to local governments providing telecommunications services to its constituents.

North Carolina League of Municipalities (NCLM) was recognized to present to the committee. The league divided its time into five parts: Wilson's Rebuttal of Previous Meeting Issues by Grant Goings, Wilson City Manager; Business Input from Public Service and Law Enforcement Officers; Predatory Pricing Impact on Broadband Development by Catharine Rice, VP of the Southeast Association of Telecommunication Officers and Advisors; General citizen testimony; and Municipalities' Proposed State Broadband Policies for Committee Consideration by Paul Meyer, Chief Legislative Council. The presentations from Public Service and Law enforcement emphasized the importance of communication and how broadband high speed access is a critical part of the communication equation. Nine citizens presented their points of view on the subject. Paul Meyer, Chief Legislative Council, for NCLM asked that the committee focus on solutions to the problem of both underserved and unserved communities in North Carolina and develop state policy to provided fiber to the home including public and private sectors. Mr. Meyer's presented the Municipalities' Proposed State Broadband Policies for Committee Consideration.

Marcus Trathan (North Carolina Cable Association) was recognized to present to the committee. Mr. Trathan provided the committee with an inventory of laws in other states on municipal competition. Twenty six states have addressed the issue.

John Goodman (North Carolina Chamber of Commerce) was recognized to present to the committee. He stated the Chamber supported House Bill 1252 Level Playing Field/Cities/Service Providers and also that the Chamber would like the committee to address

“Whether there is a public need for additional infrastructure that is currently not being satisfied by the private sector?”

John Merritt and Dr. John Chaplin were recognized to present to the committee. They discussed that after the mandated switch from analog to digital television a significant amount of spectrum remains unused in the TV Band. They pointed out that the unused TV Band spectrum is called “white space” and that the “white space” opens up another means to provide broadband.

January 26, 2010 Meeting Summary

The fourth meeting of the Committee was held on January 26, 2010.

Joe Freddoso (President and CEO, MCNC) was recognized to present to the committee. Mr. Freddoso spoke about the Vision of Broadband Recovery.

Jane Smith Patterson (Executive Director, E-NC Authority) was recognized to present to the committee. Ms. Patterson informed the committee of the State Broadband Data & Development Grant in the amount of \$1,589,077 was awarded to e-NC for North Carolina broadband mapping

John McHugh (Policy Analyst, Office of Economic Recovery & Investment) was recognized to update the committee on what the Governors Broadband Mapping review committee is.

Oppie Jordan (Vice President, Carolinas Gateway Partnership) was recognized to present to the committee. Ms. Jordan expressed the importance of broadband for economic development throughout the state.

After the presentations for the day Chairman Faison moved on to the discussion of potential committee legislation: **BILL DRAFT 2009-LR-124 [v.11]** - ACT to encourage the creation of cooperatives for the provision of high speed internet access FOR expanded broadband in North Carolina. Chairman Faison opened the floor for questions or comments the proposed legislation was not acted upon.

February 22, 2010 Meeting Summary

The fifth meeting of the Committee was held on February 22, 2010.

Joe Freddoso (President and CEO, MCNC) was recognized to present to the committee. Mr. Freddoso discussed the benefits of broadband to communities. He reiterated the importance of broadband in the areas of: Equity of Education across K20, Modern healthcare, Economic development, Civic participation, and emphasized that the current FCC definition of broadband [speed], 768K down and 250K up today that will not support most eLearning content reliably and will not support high definition video.

Jane Smith Patterson (Executive Director, E-NC Authority) was recognized to present to the committee. Her presentation focused on e-NC’s award for the mapping/planning project and she discussed the National Broadband plan.

After the presentations for the day Chairman Faison moved on to the discussion of potential committee legislation. Chairman Faison appointed Sub-Committees to report back to the Full Committee on its next meeting date. The subcommittees were to consider:

- Removal of sunset provisions on e-NC Legislation - Rep. Jones
- Sub-Committee on Highway Right of Ways - Representative Haire, Bryant & Gulley
- Sub-Committee on Assessment of Towers - Representative Alexander, Coates & West

- Sub-Committee on Public Private Partnerships - Representative Tolson, Jones & Avila
- Sub-Committee on Internet Coops – Representative Faison and Coats.

April 4, 2010 Meeting Summary

The sixth meeting of the Committee was held on April 12, 2010.

Representative Kelly Alexander called the meeting to order and welcomed staff, members and visitors. At our last committee meeting, Chairman Faison appointed Sub-Committees to report back to the Full Committee because of the depth of legislation suggested from e-NC. Today the results of those appointed Sub-Committees will report:

Rep. Haire was recognized to report on the Sub-Committees finding on Highway Right of Ways.

Rep. Alexander was recognized to report on the Sub-Committees finding on Assessment of Towers. The findings are outlined in this report.

Rep. Tolson was recognized to report on the Sub-Committees finding on Public Private Partnerships. Rep. Tolson noted the importance of outlining realistic "parameters for workable public-private partnerships" with a clear understanding of expected outcomes.

Dan Gerlock (President, Golden Leaf Foundation) was recognized to update the committee on BTOP review committee meetings and dates.

John McHugh (Policy Analyst, Office of Economic Recovery & Investment) was recognized to update the committee on BTOP review committee meetings and dates.

May 11, 2010 Meeting Summary

The House Select Committee on High Speed Internet in Rural Areas met on May 11, 2010 to adopt its findings and recommendations and approve its final report to the Speaker and members of the House of Representatives.

FINDINGS AND RECOMMENDATIONS

1. The Committee finds that there are many barriers to the adoption of broadband to meet the needs of unserved and underserved areas. Some of these barriers include; lack of access to speeds required for personal, educational, medical or business need, lack of interest or awareness of need/benefits and affordable pricing.
 - a. The Committee recommends that improvements in broadband speeds should continue to be the goal as new infrastructure is put in place. Efforts should be made to educate citizens and communities of the benefits of broadband and to make the technology more affordable.
2. The Committee finds that in unserved and underserved areas providers cannot justify the installation of the required middle and last-mile technology due to the high cost of the installation and the lack of customers required to meet their stated revenue goals.
3. The Committee finds that the infusion of funding from the Federal Government's American Recovery and Reinvestment Act of 2009–Broadband Initiatives, will result in middle mile improvements being made in unserved and underserved areas of North Carolina, increasing the possibilities for providers and others to enter those areas and provide last mile service.
 - a. The Committee recommends support for MCNC as it moves forward in its requests for grant requests and for e-NC and its efforts to re-map the availability of broadband throughout North Carolina.
 - b. The Committee recommends that the General Assembly support the Governor's recommendations as outlined in her letter to the National Telecommunications and Information Administration, May 4, 2020, seeking funds for North Carolina projects in Round 2 of NTIA's Broadband Technology Opportunities Program. These projects include:
 - The Subcommittee on Comprehensive Community Infrastructure Applications recommends:
 - MCNC's North Carolina Rural Broadband Initiatives (NCRBI) program
 - MAIN's CCI program
 - The Subcommittee on PCC/SBA recommends, for the Public Computer Center category:
 - North Carolina Department of Cultural Resources, North Carolina State Library program
 - The PCC/SBA wishes to highlight, in the Public Computer Center category:
 - Winstonnet Inc.
 - ii. Renovation and repurposing projects
 - Olive Hill Community Economic Development Corporation
 - Greater Lansing Area Development
 - The Subcommittee on PCC/SBA recommends, for the Sustainable Broadband Adoption category:
 - MAIN's SBA Cloud Computer program
 - The PCC/SBA wishes to highlight, in the Sustainable Broadband Adoption category:
 - UNC-Pembroke's CIVC program

- ii. Elauwit SBA program
- 4. The Committee finds that the sunset provision in S.L. 2003-42, pertaining to e-NC Authority, places e-NC at a disadvantage when applying for grants or entering into long-term agreements.
 - a. The Committee recommends legislation that will remove the sunset provision currently applicable to enact (Legislative Proposal I)
- 5. The Committee finds that municipalities are currently providing or plan to provide broadband services to their citizens and that the privately-owned providers are generally opposed to municipalities providing broadband services to their citizens. Public-private partnerships are a viable way to promote the delivery of broadband service to unserved and underserved areas of North Carolina and there are no legal impediments to the formation of public-private partnerships for the delivery of high speed broadband service to unserved or underserved areas of the State.
- 6. The Committee finds that towers are owned by many different entities, including counties, municipalities, the Highway Patrol, the Department of Transportation, and the Division of Emergency Management, the Division of Forest Resources, and the NC Forest Service. The legislature can legally grant access to these towers, but because of the variety of towers [or of owners] and the fact that no one agency controls the towers, this is not practical. Certain issues, such as the size and weight of the equipment that the towers are capable of supporting, are beyond the scope of this committee's technical expertise.
- 7. The Committee finds that due to the many diverse locations in our state, legislative action to promote the deployment of broadband should be technology neutral so as to permit the utilization of all appropriate technologies to provide service to the unserved and underserved areas of North Carolina.
- 8. The Committee recommends that the General Assembly support the e-NC Authority's proposal that North Carolina serve as a Lifeline Online pilot program in conjunction with the FCC, and recommends that the General Assembly direct the e-NC Authority to seek this partnership with the FCC and to develop the cooperative relationships necessary to see a Lifeline Online pilot program implemented across North Carolina.

LEGISLATIVE PROPOSAL I

A BILL TO BE ENTITLED

AN ACT to repeal the sunset provision pertaining to the e-nc authority.
The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2003-425, as amended by Section 12.3.(a) of S.L. 2006-66, reads as rewritten:

"SECTION 4. Sections 1 and 2 of this act become effective December 31, 2003, with the e-NC Authority hereby designated as the successor entity of the Rural Internet Access Authority that will dissolve on that date, as provided by Section 5 of S.L. 2000-149. The remainder of this act is effective when it becomes law. ~~The e-NC Authority created in this act is dissolved effective December 31, 2011. This act is repealed effective December 31, 2011. Part 2F of Article 10 of Chapter 143B of the General Statutes and G.S. 120-123(77), as enacted by this act, are repealed effective December 31, 2011.~~"

SECTION 2. This act is effective when it becomes law.

Memorandum - Subcommittee on State-Owned Utility Towers

MEMORANDUM

To: Subcommittee on State-Owned Utility Towers

From: Phyllis Pickett
Peter Capriglione
Bill Patterson
Karlynn O'Shaughnessy
Brenda Carter
Committee Staff

Date: April 11, 2010

Subject: State-Owned Utility Towers/Property

This subcommittee was empanelled to review issues related to the use of State-owned utility towers in the installation of facilities necessary to provide high speed broadband service in the State, particularly as to unserved and underserved areas. To facilitate subcommittee discussions, Rep. Kelly Alexander asked committee staff to obtain information on the number and kinds of towers and to review issues related to collocation.

I. Government-Owned Utility Towers

Staff's cursory efforts indicate North Carolina counties and municipalities own approximately 59 utility towers around the State.

The State of North Carolina owns about 54 wireless internet towers. The Highway Patrol owns the vast majority of those towers (39) as part of the Voice Interoperability Plan for Emergency Responders (VIPER). The Department of Transportation is next in the number of towers. The Division of Emergency Management, the Division of Forest Resources, and the NC Forest Service also control towers.

The VIPER towers were built and continue to be built using Department of Homeland Security grant funds since most of the VIPER funding has come from federal grants. Most of these towers are in the central and eastern part of the State, however the majority of the towers remaining to be constructed many of which relate to the budget request are in the western part of the State.

Issues to consider when determining if the towers would be suitable for broadband use include location of the towers, the types of equipment that would need to be placed on these towers or in the buildings for broadband, load capacity issues created by adding additional equipment on the towers and the potential impact on structural reliability, and the costs of maintenance and operations.

II. Collocation

Collocation has been defined as the placement of wireless facilities on existing structures in a manner that negates the need to construct a new, freestanding wireless support structure.

In North Carolina, there is not a general or local law specifically providing for, or regulating, the use of government owned utility towers for the purpose of collocation.

III. State Property/Public Purpose Issues

Committee staff reviewed whether the State constitution restricts making State-owned utility towers or other state-owned property available to private entities for the purpose of installing equipment to promote the availability of high speed broadband internet service. The relevant provisions of law are those contained in the N.C. Constitution, Article V, Section 2, subsections (1) and (7), which provide as follows:

"(1) Power of taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away."

"(7) Contracts. The General Assembly may enact laws whereby the State, any county, city or town, and any other public corporation may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes only."

The threshold question is whether State-owned utility towers would be made available for use on terms that implicate either of these provisions. If the taxing power is not exercised, and if the arrangement does not appropriate State money to a private entity, then the "public purpose" requirement of the North Carolina constitution would not apply.

In situations where the "public purpose" requirement applies, the North Carolina Supreme Court has held that the issue of public purpose must be decided on a case by case basis, and no bright line test is to be used. The applicable test for expenditures is two-pronged: 1) the expenditure must involve a reasonable connection with the convenience and necessity of the particular public entity; and 2) the expenditure must benefit the public generally as opposed to special interest or persons. *Maready v. City of Winston-Salem*, 342 N.C. 708 (1996). "Moreover, an expenditure does not lose its public purpose merely because it involves a private actor. Generally, if an act will promote the welfare of a state or a local government and its citizens, it is for a public purpose." *Id.* at 724.

In *Maready*, the Court upheld economic incentives provided to a manufacturer to locate its plant in Forsyth County, finding economic development to be well-established as a proper governmental function, and finding that the local government's purpose to create a more stable local economy by providing displaced workers with continuing employment opportunities, attracting better paying and more highly skilled jobs, enlarging the tax base, and diversifying the economy resulted in a net public benefit that met the public purpose test. Although it is always possible that a constitutional challenge could be made to an arrangement under which public utility towers or other public property is made available to private entities for the purpose of expanding the availability of broadband internet service, it would appear that there is a strong counter argument that encouraging the extension of broadband service to presently unserved or underserved areas of the State involves a legitimate public purpose and therefore does not violate the North Carolina constitution.

APPENDIX A



Office of the Speaker
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

HOUSE SELECT COMMITTEE ON HIGH SPEED INTERNET IN RURAL AREAS

TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

Section 1. The House Select Committee on High Speed Internet in Rural Areas (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2009 General Assembly.

Section 2. The Committee consists of the 11 members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time.

Representative Bill Faison - Chair
Representative Angela Bryant
Representative Jim Gulley
Representative Phillip Haire
Representative Kelly Alexander
Representative Thom Tillis
Representative Joe Tolson
Representative Roger West
Representative Earl Jones
Representative Marilyn Avila
Representative Lorene Coates

Section 3. The Committee may study the availability of high-speed Internet access in rural areas and in low-wealth, urban areas of the State having a population of 100,000 or more according to the most recent federal decennial census. In conducting its study, the Committee may:

- (1) Consider whether rural and underserved urban areas have adequate access to high-speed Internet and offer proposals to assure access to high speed Internet in these areas.

- (2) Examine the impact of high-speed Internet access on education, small businesses, agriculture, and medical services.
- (3) Evaluate the economic impact of high-speed Internet access for individuals, cities, counties, and the State of North Carolina.
- (4) Identify technical issues associated with providing high-speed Internet access, including the availability of necessary equipment.
- (5) Identify the potential costs to Internet providers.
- (6) Examine rate considerations, including whether customers will pay the total costs or whether the costs will be spread through the rate-making process.
- (7) Explore the impact of recent legislation allowing phone companies to provide cable service and high-speed Internet access.
- (8) Study administrative actions that can result in immediate promotion of broadband access and usage within the State.
- (9) Make specific recommendations as to how North Carolina can take advantage of opportunities for and eliminate any related barriers to broadband access and adoption.
- (10) 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.
- (11) Study local government owned and operated communication services.
- (12) Study the use of 911 Funds by Public Safety Answering Points (PSAPS).
- (13) Study any other issue the Committee deems relevant.

Section 4. The Committee shall meet upon the call of its Chair. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of the Chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speaker of the House of Representatives.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2010, by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before February 1, 2011, by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates on February 1, 2011, or upon the filing of its final report, whichever occurs first.

Effective this the 27th day of October, 2009.



Joe Hackney
Speaker

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