

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2002-180
SENATE BILL 98**

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND EXTEND VARIOUS STUDY COMMITTEES AND COMMISSIONS, AND TO AUTHORIZE OR DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known as "The Studies Act of 2002".

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 is listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 2002 Regular Session of the 2001 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The following groupings are for reference only:

- (1) Government Regulatory Issues:
 - a. Bringing charter schools under the Tort Claims Act for school bus accidents (Bonner)
 - b. Naturopathy (H.B. 1091 – Hill)
 - c. Alcoholic beverage laws, including special provisions relating to sports clubs (Smith)
- (2) Transportation Issues:
 - a. State ports (H.B. 1706 – McComas)
 - b. Motorcycle safety (H.B. 107 – Baker; Gibson)
- (3) Consumer Issues:
 - a. Internet spam (H.B. 1712 – Insko)
- (4) Other:
 - a. Employer benefits, including retirement, early retirement, disability benefits (Nye)
 - b. Excluding airports from the public enterprise billing information privacy law (S.B. 1214 – Rand)
 - c. Earlier organization of the General Assembly to expedite session (H.B. 280 – Redwine)
 - d. Establishing Mounted Horse/Caisson Patrol Unit (Metcalf)
 - e. Jail Safety Standards (H.B. 1479-Thompson)

SECTION 2.1A. Study Issues Related to Criminal History Record Checks of Employees of Long-Term Care Providers (H.B. 1561 – Earle; S.B. 1264 – Harris, Rand) – The Legislative Research Commission may study how federal law affects the distribution of national criminal history record check information requested for nursing homes, home care agencies, adult care homes, assisted living facilities, and area mental health, developmental disabilities, and substance abuse services authorities, and the problems federal restrictions pose for effective and efficient implementation of State-required criminal record checks. The study may include the following:

- (1) Ways in which national record checks may be obtained and reviewed for these facilities to effectuate State policies and protections of facility residents, and the advantages, disadvantages, and costs of various approaches to implementation.
- (2) A review of ways in which national record checks are obtained by the Division of Child Development, Department of Health and Human Services, and other State agencies, and related costs to the State.
- (3) Solutions adopted by other states to effectively and efficiently implement criminal record check requirements, including costs to the State in implementing these solutions.
- (4) Other issues relevant to State requirements for criminal history record checks in long-term care facilities.

SECTION 2.1B. Study State Personnel System Statutes (Gibson) – The Legislative Research Commission may study Chapter 126 of the General Statutes, particularly the provisions relating to benefits enhancements, career status, exemptions, compensation, demonstration projects, and employee relations, to determine whether changes can be made to simplify and streamline the law to enable the State Personnel Commission to adopt policy and rules more effectively and efficiently.

SECTION 2.1C. Study Relationship Between Professions of Engineering and Landscape Architecture (Culpepper) – The Legislative Research Commission may study the relationship between the professions of engineering and landscape architecture.

The study shall include an examination of:

- (1) The qualifications and education of landscape architects.
- (2) The definition of landscape architecture in G.S. 89A-1(3).
- (3) The areas of overlap or common practice regarding the scope of the professions of engineering and landscape architecture.
- (4) The governance and procedures of the State Board of Examiners for Engineers and Surveyors and the Board of Landscape Architects in their respective roles in protecting the public health, safety, and welfare of the people of the State.

In considering appointees to the committee to study this matter, the appointing authorities shall consider inclusion of representatives of the following groups:

- (1) The State Board of Landscape Architects.
- (2) The State Board of Examiners for Engineers and Surveyors.
- (3) The Consulting Engineers Council of North Carolina.
- (4) The North Carolina Chapter of the American Society of Landscape Architects.
- (5) The Professional Engineers of North Carolina, Inc.
- (6) The North Carolina League of Landscape Architects.
- (7) The academic community involved in instruction in the area of engineering and landscape architecture.

SECTION 2.1D. Study Revival of Notice of Settlement Act (Warwick) – The Legislative Research Commission may study issues related to the feasibility and desirability of providing a means of recording a notice document prior to a real estate closing that would establish at that time the priority of title documents recorded later in connection with that real estate closing. If this study is undertaken, the Commission shall examine, among other issues, the relationship between the use of notice documents that could fix, in advance of closing, the priority of title documents and the requirements imposed by Chapter 45A of the General Statutes, the Good Funds Settlement Act.

SECTION 2.1E. Study Ways to Decrease Homelessness (Reeves) –

(a) The Legislative Research Commission may study ways to decrease the number of persons experiencing homelessness in this State. For purposes of this section, "homelessness" means the condition of any person who lacks a sanitary and safe

24-hour residence and who has a primary nighttime residence that is a publicly or privately operated, supervised shelter designed to provide temporary living accommodations including, but not limited to, the following: welfare hotels, congregate shelters, transitional housing or a facility, institution, structure or dwelling that provides a temporary residence for an individual in need of custodial care and any public or private place not designed for, or ordinarily used as, regular living accommodations. If it undertakes this study, the Commission shall consider the following:

- (1) How much in-State resources will be necessary to support local communities in responding to recent federal Department of Housing and Urban Development mandates for continued eligibility to receive McKinney-Vento Homeless Assistance funding, including:
 - a. The creation of Homeless Management Information Systems, data collection on the homeless, including unduplicated counts of the homeless, their use of services, and the effectiveness of local assistance systems by 2004.
 - b. Development and implementation of policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correctional programs and institutions) in order to prevent the discharge from immediately resulting in homelessness for persons.
 - c. Coordination and development of a 10-year plan to end chronic homelessness.
- (2) Estimating the number of units required by geographic area to house homeless individuals and families, and the types of housing support systems required to ease or end homelessness for persons being discharged from correctional, mental health, substance abuse services, foster care, family income supports (TANF) and other institutions and systems.
- (3) Identifying the number of housing units affordable to very low income and extremely low-income households according to the definition of those households used by the federal Department of Housing and Urban Development.
- (4) Identifying obstacles to affordable housing development, including development of supportive housing for homeless persons and persons with disabilities, in State law and policy, zoning practices, and local ordinances.
- (5) The coordinated services necessary to a plan to end homelessness among individuals and families, including adult education, employment training and placement, family stabilization and reunification services, the Head Start program, child care and after-school services, substances abuse and mental health counseling and treatment, primary and preventive health care services, post-criminal justice rehabilitation and reintegration services, housing and rental assistance, transportation services, energy and conservation assistance, group adult foster care and other elder home care services, and nutrition.

(b) If it undertakes this study, the Commission shall consult with the members of the North Carolina Interagency Council for Coordinating Homeless Programs.

SECTION 2.2. Committee Membership. – For each Legislative Research Commission committee created during the 2001-2003 biennium, the cochairs of the Legislative Research Commission shall appoint the committee membership.

SECTION 2.3. Reporting Date. – 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 2003 General Assembly.

SECTION 2.4. Funding. – 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. EXTEND THE 1898 WILMINGTON RACE RIOT COMMISSION (H.B. 1555 – Wright; Redwine, Ballantine)

SECTION 3.1. Section 17.1(c) of S.L. 2000-138 reads as rewritten:

"**Section 17.1.(c)** The Commission shall consist of 13 members, each of whom shall serve a ~~two-year~~ four-year term. Commission members shall be appointed on or before September 1, 2000, as follows:

- (1) The President Pro Tempore of the Senate shall appoint three members.
- (2) The Speaker of the House of Representatives shall appoint three members.
- (3) The Governor shall appoint three public members, one of whom shall be a historian.
- (4) The Mayor and City Council of the City of Wilmington shall appoint two members.
- (5) The New Hanover County Commissioners shall appoint two members.

The Commission shall terminate on ~~December 31, 2002.~~ December 31, 2004."

SECTION 3.2. Section 17.1(g) of S.L. 2000-138 reads as rewritten:

"**Section 17.1.(g)** The Commission's officers shall consist of two cochair, a vice-chair, and other officers deemed necessary by the Commission to carry out the purposes of this Article. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint the cochair of the Commission. All other officers shall be elected by the Commission. All officers shall serve for ~~two-year~~ four-year terms and shall serve until their successors are elected and qualified."

SECTION 3.3. Section 17.1(j) of S.L. 2000-138 reads as rewritten:

"**Section 17.1.(j)** The Commission may submit to the General Assembly an interim report of its findings and recommendations. The Commission shall submit to the General Assembly a final report of its findings and recommendations no later than ~~December 31, 2002.~~ December 31, 2004. The final report may include suggestions for a permanent marker or memorial of the riot and whether to designate the event as a historic site."

PART IV. ESTABLISH ON-LINE VOTING COMMISSION STUDY (H.B. 1759 – Nesbitt)

SECTION 4.1. There is created an On-Line Voting Commission. The Commission shall be composed of 19 members. Twelve members shall be appointed as follows:

- (1) The President Pro Tempore of the Senate shall appoint four members, including at least one county board of elections member, with no more than three of the four affiliated with the same political party.
- (2) The Speaker of the House of Representatives shall appoint four members, including at least one county elections director, with no more than three of the four affiliated with the same political party.
- (3) The Governor shall appoint four members, including at least one county commissioner and at least one minority-party member of the State Board of Elections.

The Chair and the Executive Director of the State Board of Elections, the Executive Director of the Information Resources Management Commission, and the State Chief Information Officer shall be ex officio members. The State chairs of the three political parties whose nominees for Governor received the largest number of votes in the most recent general election for Governor shall be ex officio members. All members of the Commission, whether appointed or ex officio, shall be voting members.

SECTION 4.2. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees.

SECTION 4.3. The On-Line Voting Commission shall study the feasibility of establishing a system of voting on the Internet in North Carolina elections. The study shall include such aspects of the issue as the following:

- (1) The state of technology with regard to on-line voting.
- (2) The experience of other states and other jurisdictions in use of on-line voting.
- (3) Comprehensibility of the process to the average voter.
- (4) Any unevenness in accessibility to or comfort level with on-line voting among different types of voters, and strategies for overcoming any such "digital divide".
- (5) Concerns of privacy and security.
- (6) Cost.

SECTION 4.4. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the On-Line Voting Commission and may provide for additional staffing by the State Board of Elections, Office of the Attorney General, and the Institute of Government. With prior approval of the State Board of Elections, the On-Line Voting Commission may hold its meetings in the offices of the State Board. With the prior approval of the Legislative Services Commission, the On-Line Voting Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 4.5. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 2003 General Assembly. The report shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 4.6. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

- (1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1.
- (2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6.
- (3) All other Commission members, at the rate established in G.S. 138-5.

SECTION 4.7. All State departments and agencies, local boards of elections, and local governments and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

SECTION 4.8. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the On-Line Voting Commission.

PART V. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDIES

SECTION 5.1. Prescription Drug Access/Coordination (H.B. 1560 – Earle; S.B. 1199 – Carter) – The Department of Health and Human Services shall study ways the State can coordinate and facilitate public access to public and private free and discount prescription drug programs for senior citizens. In undertaking this study, the Department shall consider the coordination and facilitation methods being implemented by other states. On or before January 1, 2003, the Department shall report its findings and recommendations to the North Carolina Study Commission on Aging. The report shall include the following:

- (1) A description of the various coordination and facilitation methods considered.

- (2) A description of the coordination and facilitation methods of other states.
- (3) A recommendation as to the best way to coordinate and facilitate access in this State, which shall include the reasons for the recommendation, a fiscal analysis of the cost of the recommendation, and whether any legislation is necessary to implement the recommendation.

SECTION 5.2. Group Health Insurance for Long-Term Care Staff Study With Department of Insurance (H.B. 1559 – Earle; S.B. 1196 – Swindell) – The Department of Health and Human Services, in consultation with the Department of Insurance, shall study ways to establish a group health insurance purchasing arrangement for staff, including paraprofessionals, in residential and nonresidential long-term care facilities and agencies, as described in Recommendation #22 of the Institute of Medicine's (IOM) Long-Term Care Task Force Final Report of January 2001. The Department shall report its findings and recommendations to the North Carolina Study Commission on Aging on or before January 1, 2003.

PART VI. LEGISLATIVE STUDY COMMISSION ON COMPANION ANIMALS (Allred, Culpepper; Hagan)

SECTION 6.1. There is created the Legislative Study Commission on Companion Animals. The purpose of the Commission is to review the laws regarding the treatment of companion animals.

SECTION 6.2. The Commission shall consist of 16 members as follows:

- (1) Two members appointed by the President Pro Tempore of the Senate.
- (2) Two members appointed by the Speaker of the House of Representatives.
- (3) The following persons, appointed by the President Pro Tempore of the Senate:
 - a. An employee of an animal shelter.
 - b. A local governmental official interested in the welfare of companion animals.
 - c. Two persons who are companion animal advocates.
 - d. A representative of the North Carolina Veterinary Medical Association.
 - e. A small animal veterinary practitioner.
- (4) The following persons, appointed by the Speaker of the House of Representatives:
 - a. An employee of an animal shelter.
 - b. A local governmental official interested in the welfare of companion animals.
 - c. Two persons who are companion animal advocates.
 - d. A representative of the State Veterinarian's Office.
 - e. A member of the North Carolina Department of Health Veterinary Office.

SECTION 6.3. The President Pro Tempore shall designate one Senator as cochair, and the Speaker shall designate one Representative as cochair. Vacancies on the Commission shall be filled by the same appointing authority as made the initial appointment.

SECTION 6.4. 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 the joint call of the cochairs. 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 the Senate's Supervisors of Clerks 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 6.5. In conducting the study, the Commission shall consider the following:

- (1) The operation of public and private animal shelters, including the conditions of shelters, size, staff, budgets, euthanasia processes and procedures, and public and private adoption programs.
- (2) Ways to reduce the unwanted companion animal population through spay-neuter programs, including an analysis of current programs, ways to increase the effectiveness of programs, and the cost savings associated with reducing the companion animal population through these programs.
- (3) Minimum standards and responsibilities required of companion animal owners.
- (4) The need and feasibility of licensing commercial breeders and kennel operators.

SECTION 6.6. The Commission may make an interim report to the 2003 General Assembly not later than its convening, and shall make its final report to the 2004 Regular Session of the 2003 General Assembly upon its convening. The Commission shall terminate the earlier of the filing its final report or upon the convening of the 2004 Regular Session of the 2003 General Assembly.

SECTION 6.7. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission.

PART VIII. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE STUDIES

SECTION 8.1. 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 2003 General Assembly.

SECTION 8.2. Recruitment and Retention of Teaching Personnel (H.B. 1715 – Yongue) – The Committee may study issues regarding the recruitment and retention of teaching personnel in the public schools. If it undertakes this study, the Committee shall recommend ways to remove barriers and improve the ability of Local Education Agencies to recruit quality teachers, retain teachers currently employed by the LEAs, and attract second career teachers to positions in the public schools. Issues that may be addressed in this study include the following:

- (1) Enhancing or weighting the current salary schedule to increase the salary for first year teachers.
- (2) Granting licensure reciprocity to teachers who have been tested and licensed in other states.
- (3) Developing alternative licensure opportunities to attract second career teachers.
- (4) Providing tuition support for alternative licensure candidates.
- (5) Providing training for alternative licensure candidates through the community college system.
- (6) Processing initial licensure requests at the local level.
- (7) Expanding teacher-training programs in the State in order to produce more teachers.
- (8) Strategies for expanding the pool of qualified teachers.
- (9) Using recruitment and retention incentives to attract and retain high-quality teachers, especially in low-performing schools and in fields of certification in which there are shortages of teachers.

SECTION 8.3. Local Flexibility for School Systems (H.B. 1757 – Yongue) – The Committee may study the issue of whether local boards of education have the fiscal and administrative flexibility they need to operate the public schools efficiently and effectively. In the course of its study, the Committee shall consider current constraints on school boards with regard to expenditures of State funds and purchases of supplies, textbooks, and other goods and services.

PART IX. REVENUE LAWS STUDY COMMITTEE

SECTION 9.1. The Revenue Laws Study Committee may study the topics listed in this part and report its findings, together with any recommended legislation, to the 2003 General Assembly.

SECTION 9.2. Sales Tax on Construction Materials (H.B. 1717 – J. Crawford) – The Committee may study how the sales and use tax should be applied to asphalt and cement used in the performance of contracts.

SECTION 9.3. Mobile Home Property Tax Collection – The Committee may study issues related to county collection of property taxes on mobile homes.

PART X. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE

SECTION 10.1. 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 2003 General Assembly.

SECTION 10.2. Health Care Profession Licensing Boards – The Committee may study the feasibility of establishing a uniform appointments process for licensing boards that regulate health care professionals under Chapter 90 of the General Statutes for the purpose of insuring that appointments to each health care licensing board includes representatives of all licensees of the respective board.

PART XI. LEGISLATIVE STUDY COMMISSION ON THE HORACE WILLIAMS AIRPORT

SECTION 11.1. Commission Established. – There is established a Legislative Study Commission on the Horace Williams Airport.

SECTION 11.2. Membership. – The Commission shall be composed of six members as follows:

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

SECTION 11.3. Duties of the Commission. – The Commission shall study the utility of maintaining the operation of the Horace Williams Airport in Chapel Hill, taking into consideration issues of safety, access, and expense of operation.

SECTION 11.4. Vacancies. – A vacancy shall be filled by the officer who made the original appointment.

SECTION 11.5. Cochairs. – The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall designate cochairs of the Commission from among their respective appointees. The Commission shall meet upon the call of the cochairs. A quorum of the Commission shall be four members.

SECTION 11.6. Expenses of Members. – 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.

SECTION 11.7. Staff. – 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 Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses related to the clerical employees shall be borne by the Commission.

SECTION 11.8. Consultants. – The Commission may employ consultants to assist with the study as provided in G.S. 120-32.02. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided

by the consultant, and the cost of the contract, including an itemization of the cost components.

SECTION 11.9. Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 11.10. Meeting Location. – The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. Subject to the approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or the Legislative Office Building.

SECTION 11.11. Report. – The Commission shall submit a final report of its findings and recommendations to the 2003 General Assembly on or before its convening. Upon the earlier of the filing of its final report or the convening of the 2003 General Assembly, the Commission shall terminate.

SECTION 11.12. Funds. – Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this part.

PART XII. LEGISLATIVE STUDY COMMISSION ON THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM (Kerr, Reeves; Black, Baddour, Redwine)

SECTION 12.1. There is established the Legislative Study Commission on the Teachers' and State Employees' Retirement System. The Commission shall study the Teachers' and State Employees' Retirement System, including establishing early retirement for State employees, the accumulation of vacation benefits as it relates to those who work eight-hour shifts and those who work 12-hour shifts, and other issues relating to solvency, benefits, or the financial health of the retirement system.

SECTION 12.2. The Commission shall consist of seven members appointed as follows:

- (1) Two members appointed by the President Pro Tempore of the Senate; one shall be a member of the Senate at the time of appointment; the second individual shall be a retired State employee.
- (2) Two members appointed by the Speaker of the House of Representatives; one shall be a member of the House of Representatives at the time of appointment; the second individual shall be a State employee.
- (3) The President of the State Employees Association of North Carolina, Inc.
- (4) The State Treasurer, or the Treasurer's designee.
- (5) The President of the North Carolina Association of Educators.

SECTION 12.3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees.

SECTION 12.4. The Commission may employ an outside consultant with expertise in the area of public sector retirement to assist the Commission in its work pursuant to the procedure set forth in G.S. 120-32.02. The consultant shall not be a State employee or a person currently under contract with the State to provide services. If necessary, the Commission may hire other employees as provided in G.S. 120-32.02.

SECTION 12.5. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 12.6. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 2003 General

Assembly. All reports shall be filed with the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 12.7. 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.

SECTION 12.8. All State departments and agencies shall cooperate with the Study Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

SECTION 12.9. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission.

PART XIII. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDIES

SECTION 13.1. 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 2003 General Assembly.

SECTION 13.2. I-95 Tolls (J. Crawford) – The Committee may study the feasibility of tolls on Interstate 95 from the South Carolina to Virginia borders.

PART XIV. STATE DISABILITY INCOME PLAN STUDY COMMISSION

SECTION 14.1. There is established a State Disability Income Plan Study Commission.

SECTION 14.2. The Commission shall be comprised of seven members as follows:

- (1) Two persons appointed by the President Pro Tempore of the Senate. One of these appointees shall be a State employee.
- (2) Two persons appointed by the Speaker of the House of Representatives. One of these appointees shall be a State employee.
- (3) The State Treasurer, or the Treasurer's designee.
- (4) The Executive Administrator of the Teachers' and State Employees' Comprehensive Major Medical Plan.
- (5) The President of the North Carolina Association of Educators, or the President's designee.

Any vacancy shall be filled by the officer who made the original appointment.

SECTION 14.3. The Commission shall study the plan design, funding, and administration of the Disability Income Plan of North Carolina established pursuant to Article 6 of Chapter 135 of the General Statutes to determine what changes, if any, should be made to the Plan. The Commission shall consider what changes could be made to the Plan that would enhance the efficiency of and reduce the cost of the Plan to the State and its employees.

SECTION 14.4. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall designate cochairs of the Commission from among their respective appointees. The Commission shall meet upon the call of the cochairs. Members of the Commission shall receive per diem, subsistence, and travel allowance in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Commission, while in the discharge of official duties, may exercise all powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission shall terminate the earlier of the delivery of its final report or December 31, 2003.

SECTION 14.5. 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 Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Subject to the approval of the Legislative

Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building.

SECTION 14.6. The Commission shall employ an actuary with expertise in the area of disability income insurance to assist the Commission in its work pursuant to the procedure set forth in G.S. 120-32.02. This actuary shall not be a State employee or a person currently under contract with the State to provide services. If necessary, the Commission may hire other employees as provided in G.S. 120-32.02.

SECTION 14.7. The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 14.8. The Commission shall submit a report of the results of its study, including any legislative recommendations, to the General Assembly not later than December 31, 2003.

SECTION 14.9. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this part.

PART XV. ESTABLISH STATEWIDE EMERGENCY PREPAREDNESS STUDY COMMISSION (Carter)

SECTION 15.1. Commission Established. – There is established the Statewide Emergency Preparedness Study Commission.

SECTION 15.2. Membership. – The Commission membership shall be representative of the different geographical regions of the State and shall include members from rural areas of the State to the extent practicable. The Commission shall consist of 20 members as follows:

- (1) The Governor shall appoint eight members: one trauma center physician recommended by the North Carolina College of Emergency Physicians, one representative of the Office of Emergency Medical Services, one practicing paramedic, one trauma center nurse, one trauma center finance or operations director, one representative of a law enforcement agency that is also an EMS first responder, one firefighter, and one representative of the State Emergency Medical Services Advisory Council.
- (2) The President Pro Tempore of the Senate shall appoint six members: three members of the Senate, one trauma center surgeon, one State trauma system regional advisory committee (RAC) coordinator, and one air medical rescue worker.
- (3) The Speaker of the House of Representatives shall appoint six members: three members of the House of Representatives, one representative of the North Carolina Medical Care Commission, one representative of the American College of Surgeons' Committee on Trauma, and one EMS administrator or educator.

SECTION 15.3. Duties. – The Commission shall study the delivery of emergency medical services in this State and shall:

- (1) Examine the current funding of the State Trauma System, focusing on the financial needs of the System and identifying funding options to meet those needs.
- (2) Analyze impediments to the seamless delivery of care to trauma victims, including legal, administrative, logistical, and other barriers, and determine means of streamlining the delivery of improved and more efficient care.
- (3) Examine ways of improving the quality and delivery of care to trauma and emergency victims in terms of transportation, equipment, education, and personnel needs, as well as the need for additional trauma centers and improved coordination of existing centers.

- (4) Examine methods of improving North Carolina's readiness to handle trauma resulting from massive disasters.
- (5) Any other matters related to the delivery of emergency medical services.

SECTION 15.4. Report. – The Commission shall submit a final written report of its findings and recommendations to the 2005 General Assembly and may submit progress reports to the 2003 General Assembly. The Commission may include in its progress reports or the final report its recommendations for meeting the financial needs of the Statewide Trauma System, as well as any recommendations for streamlining the delivery of care through regional trauma systems. The reports shall also include any legislative proposals necessary to implement those recommendations and an analysis of any fiscal impact of each recommendation. The Commission shall terminate upon filing its final report.

SECTION 15.5. Expenses of Members. – Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

- (1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1.
- (2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6.
- (3) All other Commission members, at the rate established in G.S. 138-5.

SECTION 15.6. Cochairs; Meetings. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the cochairs. A majority of the members of the Commission shall constitute a quorum. The Commission may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Legislative Services Commission shall provide adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

SECTION 15.7. Staff. – With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission.

SECTION 15.8. Cooperation by Government Agencies. – The Commission may call upon any department, agency, institution, or officer of the State or any political subdivision of the State for facilities, data, or other assistance. All State departments and agencies, local governments, and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

SECTION 15.9. Funding. – From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission.

PART XVI. LEGISLATIVE STUDY COMMISSION ON SECURITIES FRAUD ENFORCEMENT LAWS (Rand)

Whereas, the recent wave of corporate fraud has harmed investors, employees, and the economic condition of our State and nation; and

Whereas, federal investigations into financial fraud have implicated executives, consultants, attorneys, accountants, brokers, advisers, and others;

Whereas, accountability is a vital principle in both the public and the private sector;

Whereas, the State pension fund lost \$100 million in the financial scandals;

Whereas, the State Treasurer has demanded that companies that do business with the State place a top priority on ethics and accountability;

Whereas, those who invest their savings in the market are also investing their trust in others to treat their funds with honesty and integrity;

Whereas, current penalties for financial fraud are inconsistent with punishments for other white-collar crimes; and

Whereas, the people of our State deserve far better than to lose their investments to fraudulent actions.

SECTION 16.1. There is established the Legislative Study Commission on Securities Fraud Enforcement Laws. The Commission shall study the State securities fraud enforcement laws and the provisions of Senate Bill 1455, 4th Edition, Strengthen Securities Fraud Enforcement Laws, introduced in the 2002 Session of the 2001 General Assembly.

SECTION 16.2. The Commission shall consist of 11 members appointed as follows:

- (1) Three members of the Senate appointed by the President Pro Tempore of the Senate.
- (2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (3) Two persons from the Securities Division of the Office of the Secretary of State appointed by the Speaker of the House of Representatives.
- (4) One member of the North Carolina Bar Association appointed by the Speaker of the House of Representatives.
- (5) One member of the Trial Lawyers Association appointed by the President Pro Tempore of the Senate.
- (6) One member of the Securities Industry Association appointed by the President Pro Tempore of the Senate.

SECTION 16.3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Study Commission from their appointees.

SECTION 16.4. The Commission may hire consultants or other employees to assist it in its work as provided in G.S. 120-32.02.

SECTION 16.5. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 16.6. The Commission shall submit a final written report of its findings and recommendations on or before March 15, 2003. All reports shall be filed with the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 16.7. Members of the Study Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 16.8. All State departments and agencies shall cooperate with the Commission and, upon request, shall furnish to the Study Commission and its staff any information in their possession or available to them.

SECTION 16.9. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Study Commission.

PART XVII. DOT STUDY PLACING OF TOLLS ON I-95 (Shaw of Cumberland, Guley of Durham)

SECTION 17.1. The Department of Transportation shall study the feasibility of charging a toll on I-95 and directing use of toll proceeds for expansion and maintenance of I-95.

SECTION 17.2. In considering whether a toll road is feasible, the Department shall do all of the following:

- (1) Evaluate the need to expand and maintain I-95.
- (2) Estimate the cost and benefits of charging a toll to expand or maintain I-95.
- (3) Estimate the costs to establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with a toll road.
- (4) Estimate the schedule of tolls and fees that would be needed to generate sufficient revenue for expansion and maintenance of I-95.
- (5) Evaluate impact of federal law on placement of tolls on I-95.

SECTION 17.3. The Department shall report its findings and recommendations, including any estimates of efficiencies and cost savings that may be produced, to the Joint Legislative Transportation Oversight Committee and the House of Representatives and Senate Appropriations Subcommittees on Transportation by March 1, 2003.

PART XVIII. GENERAL STATUTES COMMISSION STUDY

SECTION 18.1. (Clodfelter) The General Statutes Commission is directed to study and report to the 2003 General Assembly on the question of the personal representative's authority to take possession of and dispose of real property of an estate without an order of the court. The study shall include the issues included in the provisions of House Bill 716, Second Edition, of the 2001 General Assembly, and an examination of the application of G.S. 28A-15-1, 28A-15-2, and 32-27(2). The report shall include any recommended legislation necessary to implement the Commission's recommendations.

SECTION 18.2. The General Statutes Commission may study and report to the 2003 General Assembly on the question of whether North Carolina should allow a method for the distribution of property coming to an estate after the estate is closed without the necessity of reopening the estate. As part of the study, the Commission may consider, among other things, the deed of distribution concept used in South Carolina as codified in the South Carolina General Statutes, Section 62-3-907, et seq., and other related statutes. The Commission may also consider recent statewide situations that have arisen from payments to closed estates arising from the Bailey and Smith/Shaver cases, and payments made to tobacco producers and allotment holders under Phase II of the Tobacco Master Settlement Agreement. The Commission may consult with the Estate Law Section of the North Carolina Bar Association and the Administrative Office of the Courts, in addition to any other interested persons. The report may include any recommended legislation necessary to implement the Commission's recommendations.

PART XIX. HOUSE SELECT STUDY COMMITTEE ON VIDEO GAMING MACHINES

SECTION 19.1. Committee Established. – There is established the House Select Study Committee on Video Gaming Machines, hereafter referred to in this part as the "House Select Committee".

SECTION 19.2. Membership. – The Speaker of the House of Representatives shall appoint 15 members to serve as members of the House Select Committee; 11 members of the House of Representatives and four public members. In the event that a vacancy occurs on the House Select Committee, the Speaker of the House of Representatives shall appoint a replacement.

SECTION 19.3. Duties. – The House Select Committee shall study:

- (1) The federal and State regulation of video gaming machines.
- (2) The problems associated with the operation of video gaming machines in the State of North Carolina, including the issues of illegal cash payouts, illegally programmed video gaming machines, and money laundering.
- (3) The difficulties associated with the enforcement of the video gaming laws of the State of North Carolina.
- (4) The most appropriate law enforcement agency, such as the sheriff, the Alcohol Law Enforcement Division of the Department of Crime

Control and Public Safety, or other law enforcement agency, to enforce the video gaming laws of the State of North Carolina.

- (5) The effect of the decision in Helton v. Good, 208 F. Supp. 2d 597 (W.D.N.C.), on the video gaming laws of the State of North Carolina.
- (6) The potential impact that a ban on video gaming machines would have on the casino operations of the Eastern Band of the Cherokee Indians.
- (7) The feasibility of levying a fee on video gaming machines and using the revenue to enforce the current video gaming laws of the State of North Carolina.

SECTION 19.4. Report. – The House Select Committee shall report its findings and recommendations, including any proposed legislation, no later than the convening of the 2003 General Assembly by filing a report with the House Principal Clerk and the Legislative Librarian. The House Select Committee shall terminate upon the filing of its report.

SECTION 19.5. Powers. – The House Select Committee, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4.

SECTION 19.6. Cochairs; Meetings. – The Speaker of the House of Representatives shall designate two cochairs of the House Select Committee from among the respective appointees. The House Select Committee shall meet upon the call of the cochairs. A majority of the members of the House Select Committee shall constitute a quorum.

The House Select Committee may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives. The Legislative Services Commission shall grant adequate meeting space to the House Select Committee in the State Legislative Building or the Legislative Office Building.

SECTION 19.7. Expenses of Members. – Members of the House Select Committee shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

SECTION 19.8. Staff. – The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the House Select Committee in its work. The House of Representatives' Supervisor of Clerks shall assign clerical staff to the House Select Committee.

SECTION 19.9. Funding. – The expenses incurred in the operation of the House Select Committee shall be paid from funds appropriated for the operation of the House of Representatives as authorized by the Speaker of the House of Representatives under G.S. 120-35.

PART XX. LEGISLATIVE REGIONAL ECONOMIC DEVELOPMENT COMMISSION REPORTING REQUIREMENTS STUDY COMMISSION

SECTION 20.1. Commission Established. – There is established a Legislative Regional Economic Development Commission Reporting Requirements Study Commission.

SECTION 20.2. Membership. – The Commission shall be composed of 18 members as follows:

- (1) The Executive Director or President of each of the seven Regional Economic Development Commissions of the State appointed by the Speaker of the House of Representatives.
- (2) Two members of the House Appropriations Subcommittee on Natural and Economic Resources appointed by the Speaker of the House of Representatives.
- (3) The Chairman of the Board of each of the seven Regional Economic Development Commissions of the State appointed by the President Pro Tempore of the Senate.

- (4) Two members of the Senate Appropriations Subcommittee on Natural and Economic Resources appointed by the President Pro Tempore of the Senate.

SECTION 20.3. Duties of the Commission. – The Commission shall study the current reporting requirements applicable to the seven Regional Economic Development Commissions of the State.

SECTION 20.4. The President Pro Tempore shall designate one Senator as cochair, and the Speaker shall designate one Representative as cochair. Vacancies on the Commission shall be filled by the same appointing authority as made the initial appointment.

SECTION 20.5. 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 the joint call of the cochairs. 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 the Senate's Supervisors of Clerks 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, G.S. 138-5, or G.S. 138-6, as appropriate.

SECTION 20.6. The Commission shall make its final report to the 2003 General Assembly upon its convening.

SECTION 20.7. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission.

PART XXI. BILL AND RESOLUTION REFERENCES

SECTION 21. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

PART XXII. EFFECTIVE DATE AND APPLICABILITY

SECTION 22. 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 Appropriations Act of 2002, the study shall be implemented in accordance with the Current Operations Appropriations Act of 2002 as ratified.

In the General Assembly read three times and ratified this the 4th day of October, 2002.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 4:36 p.m. this 31st day of October, 2002