

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 1269  
Committee Substitute Favorable 8/30/05**

Short Title: The Studies Act of 2005.

(Public)

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Sponsors:

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Referred to:

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April 19, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH  
COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER  
COMMISSIONS.

The General Assembly of North Carolina enacts:

**PART I. TITLE**

**SECTION 1.** This act shall be known as "The Studies Act of 2005".

**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 2005 Regular Session of the 2005 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. Banking laws (S.B. 786 – Hoyle)

(2) Transportation Issues:

a. Ban cell phone use while driving (H.B. 1104 – McAllister)

b. Fuel efficiency of engines of State's motor fleet (S.B. 1033 – East)

c. Exemptions from safety and emissions inspections (S.B. 530 – Dalton)

- 1 d. Environmental review, permitting, and mitigation process in the  
2 construction or expansion of State highways (H.B. 1761 –  
3 Dollar)
- 4 (3) Consumer Issues:  
5 a. Credit report identity theft (H.B. 546 – Adams)  
6 b. Personal information privacy (S.B. 996 – Cowell)  
7 c. Mortgage payoffs (Hunt)  
8 d. Motor vehicle repair (S.B. 952 – Lucas, Bingham, Kinnaird)
- 9 (4) Insurance Issues:  
10 a. Assist small business health insurance (S.B. 478 – Dalton)  
11 b. High-risk insurance (H.B. 180 – Setzer)
- 12 (5) Criminal Law Issues:  
13 a. Exclusionary rule/good faith exception (H.B. 1439 – Stam)  
14 b. Habitual felon statutes (H.B. 1308 – Michaux)  
15 c. Minority Incarceration (H.B. 49 – Miller)  
16 d. The Provisions and Penalties of G.S. 20-138.3, Driving by a  
17 person less than 21 years old after consuming alcohol or drugs  
18 (Dickson)  
19 e. Study Pre-1996 Sex Offenders and Alignment of Registerable  
20 Offenses with Other States (Ray)
- 21 (6) State/Local Government Employee Issues:  
22 a. Beneficiary designation and dependent survivors of members of  
23 the Teachers' and State Employees' Retirement System  
24 (Dorsett)  
25 b. State employee mediation and length of backlog of appeals  
26 process (Rand)  
27 c. Mediation of State employee grievances (H.B. 716 – Coleman)  
28 d. Severance Pay Changes (H.B. 703 – Crawford)  
29 e. State Employee Demonstration Projects (H.B. 730 – Crawford,  
30 Sherrill)  
31 f. Prospective Elimination of SPA Longevity Pay (H.B. 731 –  
32 Crawford)  
33 g. Flexible Benefits Program Centralized under OSP (H.B. 751 –  
34 Crawford, Holliman)
- 35 (7) Labor, Employment, and Economic Development Issues:  
36 a. North Carolina National Guard Pension Fund (S.B. 573 –  
37 Atwater)  
38 b. Validity of statistics provided by the Industrial Commission  
39 (Berger of Franklin)  
40 c. Industrial Commission's monitoring of filing of forms (Berger  
41 of Franklin)  
42 d. Streamline forms required by Industrial Commission (Berger of  
43 Franklin)  
44 e. UI claims/shorten employer response time (Shaw)

- 1 f. Loss of workers' compensation for fraud (S.B. 863 – Berger of
- 2 Franklin)
- 3 g. Workers' compensation and injuries to extremities (S.B. 864 –
- 4 Berger of Franklin)
- 5 h. Employee work incentives under the Workers' Compensation
- 6 Act (S.B. 865 – Berger of Franklin)
- 7 i. Increase cap on award for loss of organ under the Workers'
- 8 Compensation Act (S.B. 866 – Berger of Franklin)
- 9 j. Small business improvement (S.B. 664 – Dalton)
- 10 k. Amendments to Workers' Compensation Act (Holliman)
- 11 (8) Health and Human Services Issues:
- 12 a. Men's health
- 13 b. Peanut allergies/restaurant postings (H.B. 920 – Alexander)
- 14 c. Naturopathic registration (Kinnaird)
- 15 d. Fluoride in drinking water (Apodaca)
- 16 e. Cost control of medical services for persons in local
- 17 confinement facilities (Wilkins, Wright)
- 18 f. Facilitate access to complementary and alternative health care
- 19 services (H.B. 1303 – Luebke)
- 20 g. Nursing faculty fellows (H.B. 1718 – Carney, Saunders, Earle,
- 21 Glazier)
- 22 h. Regulate smoking in public places (H.B. 76 – Holliman)
- 23 i. Providing a tax credit for small businesses that provide
- 24 employee health insurance (H.B. 20 – Holliman)
- 25 j. Treatment Services Funding/Drug Treatment Courts (Insko)
- 26 k. Health care issues, including cost of, access to, and quality of
- 27 care
- 28 (9) Other:
- 29 a. Trafficking of persons (HJR 1461 – Alexander)
- 30 b. Nanotechnology (H.B. 641 – Miller, Faison)
- 31 c. Public building contract laws (H.B. 1547 – Parmon)
- 32 d. Unfit dwellings (S.B. 982 – Cowell)
- 33 e. Post-adoption contact (Kinnaird)
- 34 f. Exempt builders' inventories from property tax increases (S.B.
- 35 508 – Dalton)
- 36 i. Liabilities of general contractors to subcontractors (Rand)
- 37 j. Construction indemnity agreement issues (Rand)
- 38 k. Wind-powered generation (S.B. 441 – Horton, Garwood)
- 39 l. Equine industry (S.B. 901 – Weinstein)
- 40 m. Strategies to protect property rights given the United States
- 41 Supreme Court decision in *Kelo v. City of New London, Conn.*
- 42 (Rand)
- 43 n. System of care common identifiers (Kinnaird)
- 44 o. Manufactured homes/good faith evictions (H.B. 1243 – Fisher)

- 1 p. Abandoned mobile homes (H.B. 1288 – Haire)
- 2 q. Refusal rights-forced public partition sales (H.B. 1309 –
- 3 Michaux)
- 4 r. Victim Restitution (Holliman)
- 5 s. Agency Internal Auditors (Tucker)
- 6 t. Eminent Domain (Sherrill)
- 7 u. The Provisions of G.S. 93A-2(c)(1)
- 8 v. Tax Policy Changes

9 **SECTION 2.1.(a)** Superior Court discovery (H.B. 1211 – Sutton; Rand) –  
10 The Commission may study State disclosure requirements in Superior Court discovery.  
11 If it undertakes the study, the Commission shall consider:

- 12 (1) The issue of identities of informants who furnished information
- 13 leading to a search warrant against the defendant.
- 14 (2) The issue of personal information of the victim.
- 15 (3) The "work product" provision of G.S. 15A-904.
- 16 (4) Open discovery in noncapital postconviction cases.
- 17 (5) Any other related issues.

18 The Commission may make an interim report to the 2006 Regular Session of  
19 the 2005 General Assembly and shall make its final report to the 2007 General  
20 Assembly upon its convening.

21 **SECTION 2.1.(b)** Furniture technology center (S.B. 543 – Jacumin) – The  
22 Commission may conduct a comprehensive study of the need for a North Carolina  
23 Center for Applied Furniture Technology. If the Commission undertakes the study, it  
24 shall include the following:

- 25 (1) A review of the North Carolina Center for Applied Textile Technology
- 26 and its role in supporting the textile industry in this State, another of
- 27 this State's traditional industries that is experiencing rapid changes due
- 28 to global economic factors.
- 29 (2) The needs of the furniture industry in developing new technologies or
- 30 processes in order to remain competitive in the global furniture market
- 31 and the ways in which a North Carolina Center for Applied Furniture
- 32 Technology could assist in the development and dissemination of those
- 33 technologies and processes.
- 34 (3) A review of the furniture industry in this State that analyzes the
- 35 strengths of the industry in this State and the strategic opportunities of
- 36 the industry.
- 37 (4) A review of a proposed organizational structure of the Center,
- 38 specifically studying whether the Center should be established as a
- 39 freestanding institution or as a component part of an existing
- 40 community college, other institution, or government entity.
- 41 (5) A review of the funding needs of the proposed Center and ways to
- 42 provide for that funding through State or local appropriations,
- 43 donations and grants, or a combination thereof.

- 1 (6) A review of existing federal, State, and local programs designed for or  
2 used to assist the furniture industry and recommendations regarding  
3 improvements to those programs or the establishment of new programs  
4 to satisfy unmet needs.
- 5 (7) An investigation of the ways, means, and methods to ensure the  
6 furniture industry in this State remains competitive.
- 7 (8) A study of ways and means of protecting intellectual property in the  
8 domestic furniture industry.
- 9 (9) A review of what other states may be doing to address this economic  
10 issue.
- 11 (10) An investigation of barriers to success, including a review of federal  
12 and State laws, rules, regulations, taxes, and other impediments to the  
13 success of business.
- 14 (11) A study of current business structures to determine other innovative  
15 ways a business may structure or restructure itself, including nonprofit  
16 status or employee ownership, to provide economic advantages.
- 17 (12) An investigation of the general cost of manufacturing furniture in  
18 emerging production markets such as China and India to determine  
19 overall actions needed for the domestic furniture industry to remain  
20 competitive.
- 21 (13) Any other issue the Legislative Research Commission finds relevant to  
22 this study.

23 In considering appointees to the committee to study this matter, the  
24 appointing authorities shall consider inclusion of representatives of the furniture  
25 industry. The Legislative Research Commission may contract with consultants to assist  
26 in this study. The Commission may make an interim report of its findings and  
27 recommendations to the 2006 Regular Session of the 2005 General Assembly and a  
28 final report to the 2007 General Assembly.

29 **SECTION 2.1.(c)** Impact of Regulation on the Cost of Housing (Hoyle) –  
30 The Commission may study the impact of State and local government regulation on the  
31 cost of housing and recommend ways to reduce or eliminate conflicting, duplicative,  
32 outdated, or unnecessary regulations, including the consolidation or elimination of  
33 governmental agencies and programs.

34 **SECTION 2.1.(d)** Transferring the Deferred Compensation Program (Rand)  
35 – The Commission may study the feasibility of transferring the Public Employee  
36 Deferred Compensation Program established under G.S. 143B-426.24 from the  
37 Department of Administration to the Department of the State Treasurer.

38 **SECTION 2.1.(e)** Consumer Credit Counseling (Dorsett) – The Commission  
39 may study State and federal laws, rules, and policies pertaining to consumer credit  
40 counseling and debt management, and may make recommendations for reforming  
41 relevant North Carolina civil, criminal, and administrative law, regulations, and  
42 policies. The Commission may examine appropriateness of consumer protection  
43 provisions, standards for providers of services, and adequacy of enforcement tools and  
44 practices.

1           **SECTION 2.1.(f)** Impact of Undocumented Immigrants (Justice) – The  
2 Commission may study the effects of undocumented immigrants on the State. The  
3 Commission may consider the following issues:

- 4           (1) Impacts on the State's health care, education, and social services  
5           systems.
- 6           (2) Impacts on the criminal justice system and corrections.
- 7           (3) Impacts on the State's economy, including the fiscal ramifications of  
8           compliance with federal laws requiring the provision of specific  
9           services to undocumented immigrants.
- 10          (4) Impacts on the economic and workforce development, including the  
11          provision of and the need for low-cost labor for agriculture,  
12          construction, tourism, and other industries.
- 13          (5) Any other relevant issues.

14           **SECTION 2.1.(g)** Pharmacy Benefits Manager Regulation (H.B. 1374 –  
15 Culpepper) – The Commission may study issues regarding the regulation of pharmacy  
16 benefit management.

17           **SECTION 2.1.(h)** Local Governmental Employees Retirement System  
18 (Culpepper) – The Commission may study issues relating to establishing a higher option  
19 within the Local Governmental Employees Retirement System. The Commission may  
20 consider the following issues:

- 21          (1) Whether the higher option should include all local governmental  
22          employees.
- 23          (2) Whether the higher option would be voluntary and requiring each  
24          individual governing body to approve it for employee participation.
- 25          (3) Whether there should be a deadline or sunset provision for a local  
26          government to adopt the higher option.
- 27          (4) Whether "buy back credit" provisions for the time period an employee  
28          is in the lower option are feasible.
- 29          (5) Any other relevant issues the Commission deems necessary to the  
30          study.

31           **SECTION 2.1.(i)** Abandoned Cemeteries (Justus) – The Commission may  
32 study issues related to abandoned cemeteries in the State. The Commission may  
33 consider the following issues:

- 34          (1) The approximate number of abandoned cemeteries in the State, the  
35          origination, status, and current condition.
- 36          (2) Historical practices in the creation and care of abandoned cemeteries  
37          in North Carolina in relationship to other states.
- 38          (3) The rights and responsibilities as well as the potential liability of the  
39          property owner as it pertains to the issues of ingress and egress during  
40          the maintenance and visitation of abandoned cemeteries.
- 41          (4) The feasibility of establishing a statewide Adopt a Cemetery program  
42          with rules to be adopted by the North Carolina Historical Commission.
- 43          (5) Any other matter that the Commission deems appropriate or necessary  
44          to provide proper information to the General Assembly on the issues.

1           **SECTION 2.1.(j)** Chapter 24 Exemptions (Brubaker) – The Commission  
2 may study issues related to authorizing the Commissioner of Banks to permit affiliates  
3 of licensees under G.S. 53-176 to be exempt from certain provisions of Chapter 24 of  
4 the General Statutes.

5           **SECTION 2.1.(k)** ABC Store Privatization (H.B. 1292 – Miller) – The  
6 Commission may study issues related to the privatization of alcoholic beverage control  
7 stores and related matters of regulation of alcoholic beverage sales in this State. If this  
8 study is undertaken, the Commission shall examine the following issues:

9           (1) The forms of regulation of alcoholic beverages sales in control states  
10 (Alabama; Idaho; Iowa; Maine; Montgomery County, Maryland;  
11 Michigan; Mississippi; Montana; New Hampshire; Ohio; Oregon;  
12 Pennsylvania; Utah; Vermont; Virginia; Washington; West Virginia;  
13 and Wyoming) in addition to North Carolina and the forms of  
14 regulation of alcoholic beverage sales in the remaining states.

15           (2) The feasibility of partial privatization (where the State privatizes the  
16 retail function but retains the wholesale function of liquor distribution)  
17 and full privatization (where the State privatizes both the retail and  
18 wholesale functions of liquor distribution).

19           (3) The effects that either partial privatization or full privatization would  
20 have on the following:

- 21           a. Price.
- 22           b. Revenues.
- 23           c. Taxes.
- 24           d. Employment.
- 25           e. Facilities.
- 26           f. Sales and consumption.
- 27           g. Service.
- 28           h. Costs.
- 29           i. Safety.
- 30           j. Retailing.
- 31           k. Wholesaling.
- 32           l. Licensing.
- 33           m. Distribution system.
- 34           n. Enforcement.
- 35           o. Control and regulation.

36           (4) Any other matter that the Commission deems appropriate or necessary  
37 to provide proper information to the General Assembly on the subject  
38 of the study.

39           **SECTION 2.1.(l)** Stem Cell Research (H.B. 1293 – Miller) – The  
40 Commission may study the State's role in stem cell research, including enacting laws  
41 limiting or expanding current research efforts and providing State funds to scientists  
42 doing research in this area.

43           **SECTION 2.1.(m)** North Carolina Investments (H.B. 1294 – Miller) – The  
44 Commission may study the State's use of public funds for investments. While

1 conducting the study, the Commission may develop criteria for divesting in companies  
2 that have holdings or relationships with governments responsible for human rights  
3 violations using the following guidelines:

- 4 (1) The government engages in arbitrary arrest, prolonged detention, extra  
5 judicial killings, and torture of its people.
- 6 (2) The government has failed to protect its people's basic human rights by  
7 impeding the efforts of foreign aid workers.
- 8 (3) The government is aware of and permits systematic rape and torture of  
9 women.
- 10 (4) The government has failed to comply with requests to disarm those  
11 perpetrating crimes against humanity.
- 12 (5) Recent history of genocide practices according to the United Nations.

13 **SECTION 2.2.** For each Legislative Research Commission committee  
14 created during the 2005-2007 biennium, the cochairs of the Legislative Research  
15 Commission shall appoint the committee membership.

16 **SECTION 2.3.** For each of the topics the Legislative Research Commission  
17 decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may  
18 report its findings, together with any recommended legislation, to the 2007 General  
19 Assembly upon its convening.

20 **SECTION 2.4.** From the funds available to the General Assembly, the  
21 Legislative Services Commission may allocate additional monies to fund the work of  
22 the Legislative Research Commission.

### 23 24 **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT** 25 **COMMITTEE STUDIES**

26  
27 **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may  
28 study the topics listed in this Part and report its findings, together with any  
29 recommended legislation, to the 2006 Regular Session of the 2005 General Assembly  
30 upon its convening.

31 **SECTION 3.2.** Mental Health Parity (H.B. 893 – Alexander) – The  
32 Committee may study issues related to mental health parity.

33 **SECTION 3.3.** Statewide Stroke Care System (H.B. 1396 – Faison, Wright,  
34 B. Allen, England) – The Committee may study the feasibility of a statewide stroke care  
35 system.

36 **SECTION 3.4.** Geriatric Care Providers (H.B. 183 – Nye, Clary) – The  
37 Committee may study methods to increase the number of geriatric care providers in the  
38 State.

39 **SECTION 3.5.** Medical Cost Savings (S.B. 581 – Forrester) – The  
40 Committee may study a variety of approaches to find medical cost savings and to ensure  
41 quality of medical care provided to the citizens of the State.

42 **SECTION 3.6.** Regulation of Nurse Practitioner Practice (Nesbitt) – The  
43 Committee may study the following:



- 1 (1) Issues surrounding the practice parameters of advanced practice  
2 registered nurses (APRNs).
- 3 (2) Relationship between APRNs and physicians.
- 4 (3) Whether APRNs should be regulated through the North Carolina  
5 Board of Nursing or the North Carolina Medical Board.
- 6 (4) Any other issue the Commission considers relevant.

7 **SECTION 3.7.** Community Health Centers (Kerr) – The Committee may  
8 study the need for community health centers, including federally qualified health  
9 centers, health centers that meet the criteria for federally qualified health centers, and  
10 State-designated rural health centers and public health departments. The Committee  
11 shall also study the need for and funding of free clinics, such as W.A.T.C.H. in North  
12 Carolina. In conducting the study, the Committee shall examine a range of approaches  
13 in depth, including, but not limited to, the following:

- 14 (1) Increasing access to preventative and primary care services by  
15 uninsured or medically indigent patients in existing or new health  
16 center locations.
- 17 (2) Establishing community health center services in counties where no  
18 such services exist.
- 19 (3) Creating new services or augmenting existing services provided to  
20 uninsured or medically indigent patients, including primary care and  
21 preventative medical services, dental services, pharmacy, and  
22 behavioral health.
- 23 (4) Increasing capacity necessary to serve the uninsured by enhancing or  
24 replacing facilities, equipment, or technologies.

25 **SECTION 3.8.** Hospital Systems (Rand) – The Committee may study issues  
26 related to the conversion of county-owned hospitals to private not-for-profit hospitals  
27 and the merger and acquisition of health care systems. The Committee shall consider the  
28 following issues:

- 29 (1) Long-term financial implications.
- 30 (2) Quality of care.
- 31 (3) An analysis of the effects of preferred provider organizations.
- 32 (4) The implications of government regulations.
- 33 (5) The implications of government paid medical services.

34 **SECTION 3.9.** Prescription Drug Cost Management Office (S.B. 424 –  
35 Boseman, Atwater) – The Committee may study the feasibility of establishing an Office  
36 for Prescription Drug Cost Management ("Office") in the Department of Administration  
37 or other appropriate State agency to manage the cost of prescription drugs incurred by  
38 State agencies and programs that cover or provide prescription drugs. The  
39 responsibilities of the Office shall include negotiating prescription drug price discounts  
40 with participating pharmaceutical manufacturers and pharmacists for prescription drugs  
41 paid for, in whole or in part, with State funds. As used in this section, "State agency"  
42 includes the Teachers' and State Employees' Comprehensive Major Medical Plan. In  
43 conducting the study, the Committee shall consider the following:

- 1 (1) The estimated amount that each State agency pays annually for  
2 prescription drugs, including any discounts or rebates currently in  
3 effect.
- 4 (2) Current contractual obligations of State agencies to pay for  
5 prescription drug coverage or purchase.
- 6 (3) Incentives for prescription drug manufacturers and pharmacists to  
7 participate in the State prescription drug cost management program.
- 8 (4) Formularies or other methods of containing prescription drug costs  
9 currently in effect for State agencies and programs.
- 10 (5) Necessity for and feasibility of interfacing the implementation of the  
11 prescription drug cost management program with information  
12 management systems currently used by State agencies.
- 13 (6) Experiences of other states in attempting to control prescription drug  
14 costs through multistate compacts, bulk purchasing, or negotiated  
15 discounts.
- 16 (7) Timeline and funds needed for the establishment of the Office for  
17 Prescription Drug Cost Management and implementation of a  
18 prescription drug management program.
- 19 (8) Other matters the Committee deems necessary for its study.  
20

21 **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT**  
22 **COMMITTEE STUDIES**  
23

24 **SECTION 4.1.** The Joint Legislative Transportation Oversight Committee  
25 may study the topics listed in this Part and report its findings, together with any  
26 recommended legislation, to the 2006 Regular Session of the 2005 General Assembly  
27 upon its convening.

28 **SECTION 4.2.** Utility Relocation (H.B. 667 – Cole) – The Committee may  
29 study the use of incentives, disincentives, and other contractual measures by the  
30 Department of Transportation to expedite relocation of public utilities for highway  
31 construction projects.

32 **SECTION 4.3.** Nonbetterments (Almond, McComas) – The Committee may  
33 study issues related to nonbetterments.

34 **SECTION 4.4.** Dedicated Funding Sources For Public Transit (Coates) –  
35 The Committee may study the feasibility of a dedicated funding source for public transit  
36 and alternative forms of transportation.  
37

38 **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**  
39 **STUDIES**  
40

41 **SECTION 5.1.** The Joint Legislative Education Oversight Committee may  
42 study the topics listed in this Part and report its findings, together with any  
43 recommended legislation, to the 2006 Regular Session of the 2005 General Assembly  
44 upon its convening.

1           **SECTION 5.2.** Changes in Education Districts (H.B. 1505 – Yongue,  
2 Preston, Johnson, Carney) – The Committee may study issues related to population  
3 changes in education districts.

4           **SECTION 5.3.** Raising the Compulsory School Attendance Age (H.B. 1079  
5 – Parmon, Glazer, Womble, McLawhorn; S.B. 878 – Garrou) – The Committee may  
6 study issues related to raising the compulsory school attendance age.

7           **SECTION 5.4.** School Counselors and Dropout Prevention (H.B. 793 –  
8 Farmer-Butterfield; S.B. 571 – Swindell) – The Committee may study the roles of  
9 school counselors in providing dropout prevention and intervention services to middle  
10 and high school students.

11           **SECTION 5.5.** Child Nutrition Services (H.B. 696 – Inkso) – The  
12 Committee may study the impact of indirect costs associated with the child nutrition  
13 services program.

14           **SECTION 5.6.** Class Size Funding Formula for Children With Special  
15 Needs (H.B. 693 – Glazier, Parmon) – The Committee may study the need to weight the  
16 class-size funding formula to accommodate the learning needs of special populations of  
17 children.

18           **SECTION 5.7.** Track Students Throughout Education (H.B. 640 – Miller) –  
19 The Committee may study the feasibility of tracking students throughout their  
20 education.

21           **SECTION 5.8.** Impact of Student Mobility on Academic Performance (H.B.  
22 388 – Folwell; S.B. 171 – Dalton) – The Committee may study the impact of student  
23 mobility on academic performance.

24           **SECTION 5.9.** Appropriate Education for Suspended Students (H.B. 1747 –  
25 Preston, Bell, Parmon, Stam) – The Committee may study the issues concerning  
26 appropriate education for suspended students.

27           **SECTION 5.10.** Corporal Punishment Policies (H.B. 1462 – Alexander) –  
28 The Committee may study policies related to corporal punishment.

29           **SECTION 5.11.** Physical Activity in Grades K-8 (H.B. 865 – Bell) – The  
30 Committee may study issues regarding requiring physical activity in grades K-8.

31           **SECTION 5.12.** Strategies for Targeting Educational Programs and  
32 Resources (Swindell, Lucas) – The Committee shall study strategies for targeting  
33 educational programs and resources to improve K-12 education for all students. In the  
34 course of the study, the Committee shall do all of the following:

- 35           (1) Review existing funding formulas to ensure resources are targeted  
36           where they are most needed and, if necessary, propose modifications  
37           to these formulas. This review shall include an analysis of local ability  
38           to pay based on measures of local wealth and local willingness to pay  
39           for K-12 education.
- 40           (2) Review existing initiatives and curricula, for early childhood through  
41           high school, and recommend ways to reduce duplicative efforts and  
42           make better use of finite resources.
- 43           (3) Explore local actions and efforts to supplement State educational  
44           resources.

- 1 (4) Examine how other states work with local governments to ensure  
2 adequate resources are available for the operational and capital needs  
3 of the public schools.

4 **SECTION 5.13.** Charter Schools (Swindell, Lucas) – The Committee may  
5 study issues related to charter schools.

6 **SECTION 5.14.** Global Education (S.B. 333 – Swindell) – The Committee  
7 may study all of the following:

- 8 (1) What new skills or knowledge may be needed, particularly in the areas  
9 of literature, social sciences, technology, and foreign languages, in  
10 view of the economic needs of the State and in order to maximize our  
11 economic competitiveness;
- 12 (2) Whether the minimum standards for admission to a constituent  
13 institution of The University of North Carolina should be revised to  
14 reflect these new skills and knowledge;
- 15 (3) Whether the courses required for a high school diploma should be  
16 changed or whether the content of existing courses and curricula at all  
17 grade levels should be modified to reflect these new skills and  
18 knowledge;
- 19 (4) Whether the schools of education at the constituent institutions of The  
20 University of North Carolina are preparing competent teachers in  
21 sufficient numbers to teach these new skills and knowledge;
- 22 (5) Whether foreign language courses other than European languages are  
23 available in the public schools. If so, the languages that are available  
24 and where they are taught; and
- 25 (6) Whether the ABCs accountability program should be modified to  
26 emphasize these new skills and knowledge.

27 **SECTION 5.15.** Workforce Preparation in the Public Schools (S.B. 898 –  
28 Brown) – The Committee may study workforce preparation in the public schools.

29 **SECTION 5.16.** Salary Increases for Math and Science Teachers (S.B. 1010  
30 – Hagan) – The Committee may study the need to increase salaries for math and science  
31 teachers.

32 **SECTION 5.17.** Community College Tuition Reciprocity (S.B. 779 – Snow)  
33 – The Committee may study issues relating to community college tuition reciprocity  
34 with other states.

35 **SECTION 5.18.** Study Reduction in Number of Local School  
36 Administrative Units (Rand, Hagan, Dalton, Garrou) – The Committee may study  
37 reducing the number of local school administrative units.

38 **SECTION 5.19.** Information Requirements for School  
39 Admission/Assignment (H.B. 1480 – Folwell) – The Committee may study information  
40 requirements for school admission and assignment.

41 **SECTION 5.20.** Joint Education Leadership Team for Disadvantaged  
42 Students (Carney, Yongue; Clodfelter) – The Committee may study establishing a Joint  
43 Education Leadership Team for Disadvantaged Students.

1           **SECTION 5.21.** Education Facility Financing (H.B. 1272 – Yongue) – The  
2 Committee may study issues related to education facility financing.

3           **SECTION 5.22.** School Employee Salary Study (Yongue) – The Committee  
4 may study school employee salary schedules.

5           **SECTION 5.23.** School Psychologists (Swindell) – The Committee may  
6 study issues related to the compensation of school psychologists, including annual  
7 salary supplements for licensed school psychologists who are employed by local school  
8 administrative units and certified by the National School Psychology Certification  
9 Board or other equivalent national certifying organization.

10           **SECTION 5.24.** North Carolina School of Science and Mathematics  
11 (Hagan) – The Committee may study whether the North Carolina School of Science and  
12 Mathematics should be included in the definition of "constituent institution" under  
13 G.S. 116-2.

## 14 **PART VI. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE**

15  
16  
17           **SECTION 6.1.** The Joint Legislative Utility Review Committee may study  
18 the topics listed in this Part and report its findings, together with any recommended  
19 legislation, to the 2006 Regular Session of the 2005 General Assembly upon its  
20 convening.

21           **SECTION 6.2.** Article 1 of Chapter 62A (H.B. 1638 – Saunders, Brubaker)  
22 – The Committee may study the following issues related to Article 1 of Chapter 62A of  
23 the General Statutes:

- 24           (1) Mechanisms for increased accountability for the collection and  
25           spending of 911 charges by local governments.
- 26           (2) Modification of what constitutes an authorized expenditure from a  
27           local Emergency Telephone System Fund.
- 28           (3) Whether to adopt a statewide, uniform 911 charge.
- 29           (4) Whether to create a State Emergency Telephone Fund and a formula  
30           for distributing those moneys to local governments.
- 31           (5) Whether to designate the Community College System as the preferred  
32           provider of training for public safety answering point staff.
- 33           (6) Any other issues related to the Article the Committee determines are  
34           relevant.

35           **SECTION 6.3.** Municipalities Providing Electric Service (Albertson) – The  
36 Committee may study issues related to municipalities providing electric service to  
37 customers who live outside the city limits of the municipality. The study may include:

- 38           (1) The resolution of disputes between customers outside the city limits  
39           and the municipality.
- 40           (2) The disparity in rates that may exist between customers outside the  
41           city limits and those within the city limits.
- 42           (3) The lack of representation of customers living outside the city limits.
- 43           (4) Other issues the Committee determines are related to the provision of  
44           electric service by municipalities to customers outside their city limits.

1  
2 **PART VII. REVENUE LAWS STUDY COMMITTEE**  
3

4 **SECTION 7.1.** The Revenue Laws Study Committee may study the topics  
5 listed in this Part and report its findings, together with any recommended legislation, to  
6 the 2006 Regular Session of the 2005 General Assembly upon its convening.

7 **SECTION 7.2.** Property Taxes (S.B. 623 – Jacumin) – The Committee may  
8 study the valuation of partially improved, undeveloped lots in subdivisions.

9 **SECTION 7.3.** Administrative and Judicial Review of Tax Cases (S.B. 840  
10 – Kerr) – The Committee may study the administrative and judicial review of tax cases.

11 **SECTION 7.4.** State Business Taxation (S.B. 916 – Clodfelter) – The  
12 Committee may study reforming and simplifying State taxation of business enterprises.

13 **SECTION 7.5.** Sound Management Program for Forestland (S.B. 790 –  
14 Berger of Rockingham) – The Committee may study the need for providing owners of  
15 forestland more flexibility in demonstrating that their forestland is operated under a  
16 sound management program in order to qualify for present-use value property tax status.

17 **SECTION 7.6.** Tax Refund Donation for Prostate Cancer (S.B. 643 – Hoyle)  
18 – The Committee may study allowing taxpayers to contribute income tax refunds for  
19 prostate cancer research.

20 **SECTION 7.7.** Housing Authority Tax Exemptions (Ross; Malone, Cowell)  
21 – The Committee may study housing authority tax exemption issues.

22 **SECTION 7.8.** Tax Refund Contributions to Charitable Causes (Atwater) –  
23 The Committee may study the issue of providing space on individual income tax forms  
24 for taxpayers to make a contribution of all or part of their refunds to support various  
25 charitable causes. The study shall specifically include the following issues:

- 26 (1) A method for determining which causes shall be eligible to receive  
27 contributions of refunds and an efficient mechanism for distributing  
28 funds collected from contributions of refunds.  
29 (2) A consideration of whether taxpayers should be able to contribute their  
30 refunds to specific charitable causes or to a fund from which  
31 contributions are distributed equally among all eligible causes.  
32 (3) The administrative or fiscal burdens placed on the State for serving as  
33 a collection agent for contributions of refunds.  
34 (4) The effect on rates of compliance with tax laws of expanding the tax  
35 forms to accommodate contributions of refunds.  
36

37 **PART VIII. ENVIRONMENTAL REVIEW COMMISSION STUDIES**  
38

39 **SECTION 8.1.** The Environmental Review Commission may study the  
40 topics listed in this Part and report its findings, together with any recommended  
41 legislation, to the 2006 Regular Session of the 2005 General Assembly upon its  
42 convening.

43 **SECTION 8.2.** Mercury Reduction and Education (H.B. 1531 – Harrison,  
44 Bordsen, Martin, Fisher) – The Commission may study measures to reduce the quantity

1 of mercury that is released into the environment, that impacts natural resources, and that  
2 harms the public health of the citizens of the State, including prohibitions on the sale of  
3 certain mercury-containing products, prohibitions on the use of mercury in primary and  
4 secondary education, labeling of certain mercury-containing products, State purchase of  
5 products that contain no mercury, and public education on the hazards of mercury  
6 release and proper methods of mercury disposal. If the Environmental Review  
7 Commission undertakes this study, it may refer to the mercury reduction and education  
8 measures set out in the First Edition of House Bill 1531, as introduced to the 2005  
9 General Assembly, and mercury reduction and education measures adopted by other  
10 states.

11 **SECTION 8.3.** The Commission, with the assistance of the Division of  
12 Waste Management of the Department of Environment and Natural Resources, shall  
13 study issues related to solid waste. The Commission shall specifically study measures  
14 to reduce the amount of solid waste disposed of within North Carolina landfills,  
15 including statewide tipping fees, bans on the disposal of certain types of waste in  
16 landfills, more aggressive recycling requirements, and enhanced regulatory  
17 requirements for landfills and other solid waste management facilities.

18 **SECTION 8.4.** Private Drinking Water Wells (H.B. 1701 – B. Allen) – The  
19 Commission may study the safety and quality of potable water delivered from private  
20 drinking water wells in the State.

21  
22 **PART IX. JOINT LEGISLATIVE GROWTH STRATEGIES OVERSIGHT**  
23 **COMMITTEE**

24  
25 **SECTION 9.1.** The Joint Legislative Growth Strategies Oversight  
26 Committee may study the issues of:

- 27 (1) Extraterritorial Operations of Municipal Public Enterprises (S.B. 858 –  
28 Clodfelter)

29 **SECTION 9.2.** Section 3.3 of S.L. 2001-491 reads as rewritten:

30 **"SECTION 3.3.** This Part becomes effective January 15, 2002, and expires January  
31 16, ~~2005-2007~~. Prior to its expiration on January 16, ~~2005-2007~~, the Committee shall  
32 report to the General Assembly on its activities conducted pursuant to this Part."  
33

34 **PART X. HOUSE SELECT STUDY COMMISSION ON A MANDATORY**  
35 **COST-OF-LIVING INCREASE FOR RETIREES OF THE TEACHERS' AND**  
36 **STATE EMPLOYEES' RETIREMENT SYSTEM (H.B. 1653 – B. Allen, Coleman,**  
37 **Farmer-Butterfield, Faison)**

38  
39 **SECTION 10.1.** There is established the House Select Study Commission  
40 on a Mandatory Cost-of-Living Increase for Retirees of the Teachers' and State  
41 Employees' Retirement System.

42 **SECTION 10.2.** The Speaker of the House of Representatives shall appoint  
43 10 members of the House of Representatives to serve as members of the House Select  
44 Study Commission on a Mandatory Cost-of-Living Increase for Retirees of the

1 Teachers' and State Employees' Retirement System. All 10 members of the Commission  
2 shall be members of the House of Representatives at the time of appointment. One  
3 member shall have served within the last two years as a chair, cochair, or vice-chair of  
4 the House of Representatives Committee on Pensions and Retirement. The Speaker of  
5 the House of Representatives shall designate a chair of the Commission.

6 **SECTION 10.3.** The Commission shall study the cost and feasibility of an  
7 automatic annual retirement allowance increase that equals the prior year ratio of the  
8 unadjusted 12-month (December to December) Consumer Price Index for All Urban  
9 Consumers. The Commission shall consider the benefit to retirees, the cost and actuarial  
10 soundness of a mandatory increase, and shall determine whether a mandatory increase  
11 adheres to sound retirement and pension policy. In conducting the study, the  
12 Commission shall obtain an actuarial analysis and appropriate input from the  
13 Retirement Systems Division of the Department of State Treasurer.

14 **SECTION 10.4.** The Commission may contract for consultant services as  
15 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,  
16 the Legislative Services Officer shall assign professional and clerical staff to assist in  
17 the work of the Commission. Clerical staff shall be furnished to the Commission  
18 through the offices of the House of Representatives. The Commission may meet in the  
19 Legislative Building or the Legislative Office Building upon the approval of the  
20 Legislative Services Commission. Members of the Commission shall receive per diem,  
21 subsistence, and travel allowances in accordance with G.S. 120-3.1. The appointing  
22 authority shall fill vacancies.

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

29 **SECTION 10.5.** The Commission shall submit a final written report of its  
30 findings and recommendations on or before the convening of the 2006 Regular Session  
31 of the 2005 General Assembly. All reports shall be filed with the Speaker of the House  
32 of Representatives and the Legislative Librarian. Upon filing its final report, the  
33 Commission shall terminate.

34 **SECTION 10.6.** Of the funds appropriated to the General Assembly, the  
35 Legislative Services Commission shall allocate funds for the expenses of the  
36 Commission established by this Part.

37  
38 **PART XI. HOUSE SELECT STUDY COMMISSION ON STATE**  
39 **GUARDIANSHIP LAWS (H.B. 1550 – Farmer-Butterfield; Weiss)**

40  
41 **SECTION 11.1.** There is created the House Select Study Commission on  
42 State Guardianship Laws. The purpose of the Commission is to review State law  
43 pertaining to guardianship and its relationship to other pertinent State laws such as the



1 health care power of attorney, the right to a natural death, and durable power of  
2 attorney.

3 **SECTION 11.2.** The Commission shall consist of 16 members as follows:

- 4 (1) Eight members of the House of Representatives appointed by the  
5 Speaker of the House of Representatives.
- 6 (2) The Director of the Administrative Office of the Courts, or the  
7 Director's designee.
- 8 (3) The Director of the Division of Aging in the Department of Health and  
9 Human Services, or the Director's designee.
- 10 (4) A county director of social services appointed by the Speaker of the  
11 House of Representatives.
- 12 (5) A clerk of superior court appointed by the Speaker of the House of  
13 Representatives.
- 14 (6) A physician who specializes in geriatrics appointed by the Speaker of  
15 the House of Representatives.
- 16 (7) An attorney who has experience in guardianship matters appointed by  
17 the Speaker of the House of Representatives.
- 18 (8) A representative of the Governor's Advocacy Council for Persons with  
19 Disabilities.
- 20 (9) An area authority or county program director for mental health,  
21 developmental disabilities, and substance abuse services, appointed by  
22 the Speaker of the House of Representatives.

23 In addition, representatives designated by the following organizations shall  
24 serve as ex officio, nonvoting members of the Commission:

- 25 (1) The North Carolina Bar Association.
- 26 (2) The Arc of North Carolina.
- 27 (3) North Carolina Guardianship Association.
- 28 (4) Alzheimer's Association – Western Chapter.
- 29 (5) Alzheimer's Association – Eastern Chapter.
- 30 (6) Carolina Legal Assistance.
- 31 (7) The Area Agencies on Aging.
- 32 (8) County Departments of Aging.
- 33 (9) Friends of Residents in Long Term Care.

34 The Speaker of the House of Representatives shall designate one  
35 Representative as chair. Vacancies on the Commission shall be filled by the same  
36 appointing authority as made the initial appointment. The Commission shall expire upon  
37 delivering its final report.

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

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

7 **SECTION 11.3.** In conducting the study, the Commission shall consider the  
8 following:

- 9 (1) Whether guardianship should be a remedy of last resort used only if  
10 less restrictive alternatives are insufficient.
- 11 (2) The definition of incompetency.
- 12 (3) Whether courts should be required to make express findings regarding  
13 the extent of a person's incapacity and limit the scope of the  
14 guardianship accordingly.
- 15 (4) Legal rights retained or lost as a result of being adjudicated  
16 incompetent.
- 17 (5) The proper role of attorneys and guardians ad litem in guardianship  
18 proceedings.
- 19 (6) The role of public human services agencies in providing guardianship  
20 services.
- 21 (7) Legal procedures and protections in guardianship proceedings.
- 22 (8) Public monitoring of guardianship.
- 23 (9) Funding for guardianship services provided by public and nonprofit  
24 agencies.
- 25 (10) Educating citizens with respect to guardianship and alternatives to  
26 guardianship.
- 27 (11) Prudent investor rules.
- 28 (12) Powers, duties, and liabilities of guardians.
- 29 (13) Review of the State's adult protective services law.
- 30 (14) Enactment of the Uniform Guardianship and Protective Proceedings  
31 Act (UGPPA).
- 32 (15) Whether guardianship statutes need revision to provide greater  
33 protection of the health and welfare of incapacitated adults.
- 34 (16) Whether the State should track the number of people under private  
35 guardianship and, if so, proposed methods for the tracking.

36 **SECTION 11.4.** The House Select Study Commission on State  
37 Guardianship Laws may make an interim report to the 2005 General Assembly not later  
38 than the convening of the 2005 General Assembly, and shall make its final report to the  
39 2006 Regular Session of the 2005 General Assembly upon its convening.

40 **SECTION 11.5.** All State departments and agencies and local governments  
41 and their subdivisions shall furnish the Commission with any information in their  
42 possession or available to them.

1           **SECTION 11.6.** Of the funds appropriated to the General Assembly, the  
2 Legislative Services Commission shall allocate funds for the expenses of the  
3 Commission established by this Part.

4  
5 **PART XII. STATE GOVERNMENT FAIR PAY STUDY (S.B. 908 – Dorsett)**

6  
7           **SECTION 12.1.** There is established the State Government Fair Pay Study  
8 Commission. The Commission shall consist of 15 members appointed as follows:

- 9           (1) Five members appointed by the Governor. In making the  
10 appointments, the Governor shall consider representatives of higher  
11 education institutions familiar with business practices and statistical  
12 analysis, active and retired State employees, and a representative from  
13 the Office of State Personnel.
- 14           (2) Five members appointed by the Speaker of the House of  
15 Representatives, to include:
- 16               a. Four members of the House of Representatives.  
17               b. One person with human resources background and experience  
18 from a private business or firm employing fewer than 200  
19 employees in this State.
- 20           (3) Five members appointed by the President Pro Tempore of the Senate,  
21 to include:
- 22               a. Four members of the Senate.  
23               b. One person with human resources background and management  
24 experience from a private business or firm employing more than  
25 200 employees in this State.

26           **SECTION 12.2.** The Commission shall study those matters that impact fair  
27 pay for employees and may include the following:

- 28           (1) Whether the minimum annual salary for State employees is a livable  
29 salary and the impact of inflationary forces on that salary.
- 30           (2) Whether there is fair pay for equivalent jobs in State government,  
31 including the extent of wage and job classification inequities and  
32 disparities in State government employment with respect to race and  
33 gender and factors that may tend to cause these inequities and  
34 disparities and their consequences.
- 35           (3) The relationship between in-range adjustments and pay disparities and  
36 how in-range adjustments could be used to alleviate gender-related pay  
37 disparities.
- 38           (4) Actions, including proposed legislation, that are likely to lead to the  
39 elimination and prevention of compensation disparities in State  
40 government employment.
- 41           (5) Whether the pay and benefits, including family leave policies, are  
42 competitive for State employees as compared to the private sector.
- 43           (6) Actions that would attract and retain employees of all ages with special  
44 skill sets, specialized certificates, and licenses.

1 (7) Any other matters relating to pay disparities in State government  
2 employment.

3 The Commission may consider any other matter that it finds relevant to its  
4 charge. The Commission may conduct public hearings around the State to solicit  
5 firsthand testimony regarding pay equity issues.

6 **SECTION 12.3.** The Speaker of the House of Representatives and the  
7 President Pro Tempore of the Senate shall each appoint a cochair for the Commission.  
8 The Commission may contract for consultant services as provided by G.S. 120-32.02.  
9 Upon approval of the Legislative Services Commission, the Legislative Services Officer  
10 shall assign professional and clerical staff to assist in the work of the Commission.  
11 Clerical staff shall be furnished to the Commission through the offices of the House of  
12 Representatives' and the Senate's Supervisors of Clerks. The Commission may meet in  
13 the Legislative Building or the Legislative Office Building upon the approval of the  
14 Legislative Services Commission. Members of the Commission shall receive per diem,  
15 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, and 138-6,  
16 as appropriate. The appointing authority shall fill vacancies.

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

23 The State Personnel Director shall designate appropriate staff to serve as  
24 liaison to the Commission.

25 **SECTION 12.4.** The Commission's interim and final reports shall include  
26 the results of the Commission's study as well as recommendations and legislative  
27 proposals. The Commission shall submit an interim report to the 2006 Regular Session  
28 of the 2005 General Assembly. The Commission shall make a final report to the 2007  
29 General Assembly upon its convening and shall terminate upon filing its final report.

30 **SECTION 12.5.** Of the funds appropriated to the General Assembly, the  
31 Legislative Services Commission shall allocate funds for the expenses of the  
32 Commission established by this Part.

33  
34 **PART XIII. WILDLIFE RESOURCES COMMISSION (H.B. 505 – Sherrill,  
35 McComas, Gibson, Preston)**

36  
37 **SECTION 13.1.** The Wildlife Resources Commission shall study the issue  
38 of allowing hunting on Sundays at a limited number of State game lands. In conducting  
39 its study, the Commission shall consider, but is not limited to, the following issues:

- 40 (1) Individual game land suitability for Sunday hunting, including the  
41 status of resident wildlife species, proximity to population centers, and  
42 range of recreational opportunities available.  
43 (2) Allowable hunting activities, including methods of taking and the use  
44 of dogs.

1 (3) Limiting hunting privileges to avoid conflict with religious services.

2 (4) The needs of persons pursuing nonhunting outdoor recreational  
3 activities, including private landowners, family picnics, hiking,  
4 canoeing, birding, horseback riding, climbing, and biking.

5 **SECTION 13.2.** In conducting the study, the Commission shall obtain input  
6 from representatives of interested parties, including landowners, the North Carolina  
7 Wildlife Federation, the Sierra Club and other conservation organizations, the North  
8 Carolina Farm Bureau and other agricultural organizations, the North Carolina Horse  
9 Council, hunting clubs and organizations, controlled hunting preserve operators,  
10 religious organizations, and other outdoor recreational clubs and organizations.

11 **SECTION 13.3.** As a part of the study, the Commission shall conduct at  
12 least one public hearing in each of its nine regions on the issue of allowing Sunday  
13 hunting on selected game lands.

14 **SECTION 13.4.** The Wildlife Resources Commission shall report its  
15 findings and recommendations, including a recommendation whether to amend, repeal,  
16 or leave intact the existing ban on Sunday hunting, to the Joint Legislative Commission  
17 on Governmental Operations no later than March 15, 2006.

18  
19 **PART XIV. STUDY COMMISSION ON ALTERNATIVES TO STATE HEALTH**  
20 **PLAN FOR THE UNIVERSITY OF NORTH CAROLINA (H.B. 775 – Earle,**  
21 **Insko; Kinnaird)**

22  
23 **SECTION 14.1.** There is created a Study Commission on Alternatives to the  
24 State Health Plan for The University of North Carolina. The Commission shall consist  
25 of 14 members appointed as follows:

26 (1) Three members of the Senate appointed by the President Pro Tempore  
27 of the Senate.

28 (2) Three members of the House of Representatives appointed by the  
29 Speaker of the House of Representatives.

30 (3) Two citizens who are familiar with employee benefits or health care  
31 delivery appointed by the President Pro Tempore of the Senate.

32 (4) Two citizens who are familiar with employee benefits or health care  
33 delivery appointed by the Speaker of the House of Representatives.

34 (5) Three representatives from The University of North Carolina  
35 appointed by The University of North Carolina.

36 (6) One representative from the State Employees Health Plan.

37 The Speaker of the House of Representatives shall appoint a cochair and the  
38 President Pro Tempore of the Senate shall appoint a cochair for the Commission.  
39 Vacancies on the Commission shall be filled by the appointing authority. The  
40 Commission shall meet upon the call of the cochairs. A majority of the members of the  
41 Commission shall constitute a quorum.

42 **SECTION 14.2.** The Commission shall study the alternatives to the State  
43 Health Plan for The University of North Carolina. The Commission shall report its  
44 findings and any recommendations to the 2006 Regular Session of the 2005 General

1 Assembly, upon its convening. The Commission shall terminate upon the filing of its  
2 final report.

3 **SECTION 14.3.** Members of the Commission shall receive per diem,  
4 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as  
5 appropriate.

6 **SECTION 14.4.** Subject to the approval of the Legislative Services  
7 Commission, the Commission may meet in the State Legislative Building or the  
8 Legislative Office Building. The Legislative Services Commission, through the  
9 Legislative Services Officer, shall assign professional staff to assist in the work of the  
10 Commission. The House of Representatives' and the Senate's Supervisors of Clerks  
11 shall assign clerical staff to the Commission, and the expenses relating to the clerical  
12 employees shall be borne by the Commission. The Commission, while in the discharge  
13 of its official duties, may exercise all the powers provided under the provisions of  
14 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request  
15 all officers, agents, agencies, and departments of the State to provide any information,  
16 data, or documents within their possession, ascertainable from their records, or  
17 otherwise available to them and the power to subpoena witnesses.

18 **SECTION 14.5.** Of the funds appropriated to the General Assembly, the  
19 Legislative Services Commission shall allocate funds for the expenses of the  
20 Commission established by this Part.

21  
22 **PART XV. STUDY COMMISSION ON STATE CONSTRUCTION**  
23 **INSPECTIONS (Owens)**

24  
25 **SECTION 15.1.** There is created the Legislative Study Commission on State  
26 Construction Inspections. The Commission shall consist of 14 members appointed as  
27 follows:

- 28 (1) Five voting members appointed by the Speaker of the House of  
29 Representatives.
- 30 (2) Five voting members appointed by the President Pro Tempore of the  
31 Senate.
- 32 (3) Four nonvoting ex officio members as follows, or their designees: the  
33 Commissioner of Labor, the Commissioner of Insurance, the Secretary  
34 of Administration, and the Secretary of Health and Human Services.

35 The Speaker of the House of Representatives and the President Pro Tempore  
36 of the Senate shall each appoint a cochair for the Commission. The appointing authority  
37 shall fill vacancies.

38 **SECTION 15.2.** The Commission shall study the following:

- 39 (1) The scope and nature of each type of inspection of private and public  
40 construction projects performed or required by State agencies.
- 41 (2) The extent to which State inspections overlap with inspections  
42 performed by local governments.
- 43 (3) The total cost of the State's inspection of public and private  
44 construction projects.

- 1           (4)    The comparative efficiencies and efficacies of each type of inspection  
2                   of private and public construction projects performed or required by  
3                   State agencies to determine whether:  
4                a.    The inspections can be combined to save the costs of  
5                   administration and to limit any hardships on public and private  
6                   entities engaged in construction projects.  
7                b.    Any inspections should be otherwise modified in scope or  
8                   eliminated.
- 9           (5)    The level of training of the various inspectors in the State agencies and  
10                   whether the training is satisfactory for the types of inspections  
11                   performed.
- 12           (6)    Any other matter related to increasing the efficiency and efficacy of  
13                   the State's inspection of public and private construction projects.

14           **SECTION 15.3.** The Commission may contract for consultant services as  
15           provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,  
16           the Legislative Services Officer shall assign professional and clerical staff to assist in  
17           the work of the Commission. Clerical staff shall be furnished to the Commission  
18           through the offices of the House of Representatives' and the Senate's Supervisors of  
19           Clerks. The Commission may meet in the Legislative Building or the Legislative Office  
20           Building upon the approval of the Legislative Services Commission. Members of the  
21           Commission shall receive per diem, subsistence, and travel allowances at the rate  
22           established in accordance with G.S. 120-3.1, 138-5, and 138-6, as appropriate.

23           **SECTION 15.4.** The Commission, while in the discharge of its official  
24           duties, may exercise all the powers provided under the provisions of G.S. 120-19 and  
25           G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents,  
26           agencies, and departments of the State to provide any information, data, or documents  
27           within their possession, ascertainable from their records, or otherwise available to them,  
28           and the power to subpoena witnesses.

29           **SECTION 15.5.** The Commission shall report its findings, conclusions, and  
30           recommendations, including any legislative proposals by May 1, 2006, to the 2006  
31           Regular Session of the 2005 General Assembly. The Commission shall expire upon  
32           filing its final report.

33           **SECTION 15.6.** Of the funds appropriated to the General Assembly, the  
34           Legislative Services Commission shall allocate funds for the expenses of the  
35           Commission established by this Part.

36  
37           **PART XVI. MERGER OF ECOLOGICAL ENHANCEMENT PROGRAM AND**  
38           **THE CLEAN WATER MANAGEMENT TRUST FUND (Jenkins)**

39  
40           **SECTION 16.** The Environmental Review Commission and the Joint  
41           Legislative Transportation Oversight Committee shall jointly study the merger of the  
42           organization and functions of the Ecological Enhancement Program with the Clean  
43           Water Management Trust Fund. The Commission and the Committee may hire

1 consultants to assist with the study. The final report shall be made to the 2006 Regular  
2 Session of the 2005 General Assembly.

3  
4 **PART XVII. STUDY COMMISSION ON STATE DISABILITY INCOME PLAN**  
5 **AND OTHER RELATED PLANS**

6  
7 **SECTION 17.1.** There is established a Study Commission on the State  
8 Disability Income Plan and Other Related Plans.

9 **SECTION 17.2.** The Commission shall be comprised of 13 members as  
10 follows:

- 11 (1) Four persons appointed by the President Pro Tempore of the Senate,  
12 one of whom shall be familiar with disability issues relating to State  
13 employees, one of whom shall be familiar with disability issues  
14 relating to school employees, one of whom shall be familiar with  
15 workers' compensation issues relating to State employees or school  
16 employees, and one at-large.
- 17 (2) Four persons appointed by the Speaker of the House of  
18 Representatives, one of whom shall be familiar with disability issues  
19 relating to State employees, one of whom shall be familiar with  
20 disability issues relating to school employees, one of whom shall be  
21 familiar with workers' compensation issues relating to State employees  
22 or school employees, and one at-large.
- 23 (3) The State Treasurer or the Treasurer's designee.
- 24 (4) The Executive Administrator of the Teachers' and State Employees'  
25 Comprehensive Major Medical Plan.
- 26 (5) The Chair of the North Carolina Industrial Commission or the Chair's  
27 designee.
- 28 (6) One person appointed by the President of The University of North  
29 Carolina who is familiar with disability issues relating to university  
30 employees.
- 31 (7) One person appointed by the President of the North Carolina  
32 Community Colleges System who is familiar with disability issues  
33 relating to community college employees.

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

36 **SECTION 17.3.** The Commission shall study the plan design, funding, and  
37 administration of the Disability Income Plan of North Carolina established pursuant to  
38 Article 6 of Chapter 135 of the General Statutes, the Death Benefit Plan established  
39 pursuant to G.S. 135-5(1), and the Separate Insurance Benefits Plan for State and Local  
40 Governmental Law Enforcement Officers established pursuant to G.S. 143-166.60 to  
41 determine what changes, if any, should be made to those Plans. The Commission shall  
42 consider what changes could be made to the Plans that would enhance the efficiency of  
43 and reduce the cost of the Plans to the State and its employees.



1           **SECTION 17.4.** The President Pro Tempore of the Senate and the Speaker  
2 of the House of Representatives shall designate cochairs of the Commission from  
3 among their respective appointees. The Commission shall meet upon the call of the  
4 cochairs. Members of the Commission shall receive per diem, subsistence, and travel  
5 allowance in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The  
6 Commission, while in the discharge of official duties, may exercise all powers provided  
7 for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

8           **SECTION 17.5.** The Legislative Services Commission, through the  
9 Legislative Services Officer, shall assign professional staff to assist the Commission in  
10 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall  
11 assign clerical staff to the Commission, and the expenses relating to the clerical  
12 employees shall be borne by the Commission. Subject to the approval of the Legislative  
13 Services Commission, the Commission may meet in the Legislative Building or the  
14 Legislative Office Building.

15           **SECTION 17.6.** The Commission shall employ an actuary with expertise in  
16 the areas of disability income insurance and group life insurance to assist the  
17 Commission in its work pursuant to the procedure set forth in G.S. 120-32.02. This  
18 actuary shall not be a State employee or a person currently under contract with the State  
19 to provide services. If necessary, the Commission may hire other employees as provided  
20 in G.S. 120-32.02.

21           **SECTION 17.7.** The Commission may meet during a regular or extra  
22 session of the General Assembly, subject to approval of the President Pro Tempore of  
23 the Senate and the Speaker of the House of Representatives.

24           **SECTION 17.8.** The Commission shall submit a report of the results of its  
25 study, including any legislative recommendations, to the General Assembly not later  
26 than January 1, 2007.

27           **SECTION 17.9.** Of the funds appropriated to the General Assembly, the  
28 Legislative Services Commission shall allocate funds to implement the provisions of  
29 this Part.

30  
31 **PART XVIII. STUDY NO-FAULT COMPENSATION FOR INJURIES TO**  
32 **ELDERLY AND DISABLED PERSONS (S.B. 1041 – Clodfelter)**  
33

34           **SECTION 18.** The Commissioner of Insurance, the North Carolina  
35 Industrial Commission, and the Department of Health and Human Services shall jointly  
36 study the utility, efficacy, and advisability of creating a system of no-fault  
37 compensation, with such compensation based on scheduled amounts and subject to  
38 limits on total compensation paid, for injuries resulting from regular and ordinary  
39 course of care provided at nursing homes, homes for the elderly, other long-term care  
40 facilities, and assisted living facilities. The results of this study, including findings and  
41 recommendations for suggested legislation, shall be reported to the 2007 General  
42 Assembly upon its convening.  
43

1 **PART XIX. CONTINUE UNC BOARD OF GOVERNORS STUDY**  
2 **COMMISSION**

3  
4 **SECTION 19.1.** There is created to continue the UNC Board of Governors  
5 Study Commission. The Commission shall consist of 10 members appointed as follows:  
6 five by the President Pro Tempore of the Senate and five by the Speaker of the House of  
7 Representatives. The Speaker of the House of Representatives shall appoint a cochair,  
8 and the President Pro Tempore of the Senate shall appoint a cochair for the  
9 Commission. Vacancies on the Commission shall be filled by the appointing authority.  
10 The Commission shall meet upon the call of the cochairs. A majority of the members of  
11 the Commission shall constitute a quorum.

12 **SECTION 19.2.** The Commission shall continue the work of prior UNC  
13 Board of Governors Study Commissions and study the method of election or  
14 appointment of members of the Board of Governors, the length of members' terms, the  
15 number of terms a member may serve, and the size of the Board of Governors. As part  
16 of the study, the Commission may examine the governing boards of other states'  
17 institutions of higher education. The Commission shall report its findings and any  
18 recommendations to the 2006 Regular Session of the 2005 General Assembly. The  
19 Commission shall terminate upon the filing of its final report.

20 **SECTION 19.3.** Members of the Commission shall receive per diem,  
21 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as  
22 appropriate.

23 **SECTION 19.4.** Subject to the approval of the Legislative Services  
24 Commission, the Commission may meet in the State Legislative Building or the  
25 Legislative Office Building. The Legislative Services Commission, through the  
26 Legislative Services Officer, shall assign professional staff to assist in the work of the  
27 Commission. The House of Representatives' and the Senate's Supervisors of Clerks  
28 shall assign clerical staff to the Commission, and the expenses relating to the clerical  
29 employees shall be borne by the Commission. The Commission, while in the discharge  
30 of its official duties, may exercise all the powers provided under the provisions of  
31 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request  
32 all officers, agents, agencies, and departments of the State to provide any information,  
33 data, or documents within their possession, ascertainable from their records, or  
34 otherwise available to them and the power to subpoena witnesses.

35 **SECTION 19.5.** Of the funds appropriated to the General Assembly, the  
36 Legislative Services Commission shall allocate funds to implement the provisions of  
37 this Part.

38  
39 **PART XX. JOINT LEGISLATIVE COMMISSION ON HEALTH INSURANCE**  
40 **ACCESSIBILITY (Kerr)**

41  
42 **SECTION 20.1.** There is established in the General Assembly a Joint  
43 Legislative Commission on Health Insurance Accessibility.

1           **SECTION 20.2.** Membership. – The Commission shall be composed of 16  
2 members as follows:

- 3           (1) Eight members of the House of Representatives appointed by the  
4           Speaker of the House of Representatives.
- 5           (2) Eight members of the Senate appointed by the President Pro Tempore  
6           of the Senate.

7           Vacancies on the Commission shall be filled by the appointing authority.  
8           Cochairs of the Commission shall be designated by the Speaker of the House of  
9           Representatives and the President Pro Tempore of the Senate from among their  
10          respective appointees. The Commission shall meet upon the call of the chairs.

11          **SECTION 20.3.** The Commission shall study the legal, fiscal, and policy  
12          implications of various means of increasing accessibility to health insurance. The study  
13          shall specifically address strategies for increasing accessibility to health insurance by  
14          small employer groups, self-employed individuals, and individuals who are employed  
15          but uninsured. The study of small employer access shall include the following:

- 16          (1) A review of the number of small employers (50 or fewer employees)  
17          in this State, grouped by industry and volume of business; the number  
18          of small employers that offer comprehensive health insurance  
19          coverage to their employees; the average premium charged for  
20          comprehensive health insurance coverage available to small employer  
21          groups in this State, as compared to premiums for comparable  
22          coverage in the Southeast region and other areas of the United States.
- 23          (2) A review of the participation rates, premiums and cost-sharing, and  
24          coverage options offered under the North Carolina Small Employer  
25          Group Health Coverage Reform Act, Part 5, Article 50 of Chapter 58  
26          of the General Statutes.
- 27          (3) An analysis of the Healthy New York Program administered by the  
28          State of New York, or similar program, that combines the provision of  
29          a standardized, streamlined benefit package with state-funded  
30          reinsurance in the form of a stop-loss fund that would reimburse  
31          insurers for the costs of claims within a defined claims corridor. In  
32          conducting the analysis the Commission shall review and consider the  
33          proposed committee substitute for Senate Bill 255, 2005 General  
34          Assembly. The analysis shall also review the amount in state funds  
35          appropriated for the Healthy New York Program since its inception,  
36          and corresponding participation rates by employers and eligible  
37          individuals.
- 38          (4) An analysis of providing additional tax benefits for small businesses  
39          that provide health insurance coverage for their employees.

40          **SECTION 20.4.** Members of the Commission shall receive per diem,  
41          subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as  
42          appropriate. The Legislative Services Office shall provide adequate staff for the  
43          Commission. The Commission may hire consultants to assist with the study as provided  
44          in G.S. 120-32.02(b). The Commission, while in the discharge of its official duties, may

1 exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1  
2 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and  
3 departments of the State to provide any information, data, or documents within their  
4 possession, ascertainable from their records, or otherwise available to them and the  
5 power to subpoena witnesses. The Commission may meet during a regular or extra  
6 session of the General Assembly, subject to approval of the Speaker of the House of  
7 Representatives and the President Pro Tempore of the Senate.

8 **SECTION 20.5.** The Commission shall make an interim report of its  
9 findings and recommendations to the 2006 Regular Session of the 2005 General  
10 Assembly and shall make a final report of its findings and recommendations to the 2007  
11 General Assembly. The interim report may and the final report shall include findings  
12 and recommendations on:

- 13 (1) Whether the State should provide for the implementation of a small  
14 employer health insurance program that is supported with State funds  
15 to ensure comprehensive coverage and affordability for small  
16 employer groups, self-employed individuals, and employed but  
17 uninsured individuals. If the Commission recommends  
18 implementation, the recommendation should specifically address  
19 strategies for avoiding adverse selection and crowd-out, eligibility  
20 factors such as family income, limitations on claims thresholds and  
21 corridors for stop-loss coverage, benefit levels and limitations, and the  
22 feasibility and advisability of establishing a State high-risk pool.
- 23 (2) An estimate of the cost to the State to support stop-loss coverage,  
24 high-risk coverage, or other approaches to ensuring small employer  
25 health insurance access and affordability.
- 26 (3) Other findings and recommendations relevant to the purposes of the  
27 study.

28 The Commission shall terminate upon the filing of its final report or the adjournment of  
29 the 2007 General Assembly.

30 **SECTION 20.6.** Of the funds appropriated to the General Assembly, the  
31 Legislative Services Commission shall allocate funds for the expenses of the  
32 Commission established by this Part.

## 33 34 **PART XXI. STUDY COMMISSION ON ELIMINATION OF COUNTY** 35 **FINANCIAL PARTICIPATION IN MEDICAID SERVICES (Rand)**

36  
37 **SECTION 21.1.** There is established the Legislative Study Commission on  
38 the Elimination of County Financial Participation in Medicaid Services.

39 **SECTION 21.2.** The Commission shall consist of 14 members appointed as  
40 follows:

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

- 1 (3) One county commissioner and one county manager appointed by the  
2 President Pro Tempore of the Senate upon the recommendation of the  
3 North Carolina Association of County Commissioners.
- 4 (4) One county commissioner and one county finance officer appointed by  
5 the Speaker of the House of Representatives upon the recommendation  
6 of the North Carolina Association of County Commissioners.
- 7 (5) One school board representative appointed by the President Pro  
8 Tempore of the Senate upon the recommendation of the North  
9 Carolina School Boards Association.
- 10 (6) One municipal representative appointed by the Speaker of the House  
11 of Representatives upon the recommendation of the North Carolina  
12 League of Municipalities.
- 13 (7) One business representative with public finance experience appointed  
14 by the Governor upon the recommendation of the North Carolina  
15 Citizens for Business and Industry.
- 16 (8) One representative from the executive branch appointed by the  
17 Governor.

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

20 **SECTION 21.3.** The Commission shall study and recommend a permanent  
21 financing strategy leading to the elimination of county financial participation in  
22 Medicaid services. In conducting the study, the Commission shall consult with the  
23 North Carolina Local Government Commission and with the School of Government at  
24 the University of North Carolina at Chapel Hill.

25 **SECTION 21.4.** Members of the Commission shall receive subsistence and  
26 travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.  
27 With the prior approval of the Legislative Services Commission, the Legislative  
28 Services Officer shall assign professional and clerical staff to assist in the work of the  
29 Commission. With the prior approval of the Legislative Services Commission, the  
30 Commission may hold its meetings in the State Legislative Building or the Legislative  
31 Office Building. The Commission, while in the discharge of its official duties, may  
32 exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1  
33 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and  
34 departments of the State to provide any information, data, or documents within their  
35 possession, ascertainable from their records, or otherwise available to them and the  
36 power to subpoena witnesses.

37 **SECTION 21.5.** The Commission shall submit a final written report of its  
38 findings and recommendations by April 1, 2006. All reports shall be filed with the  
39 President Pro Tempore of the Senate, the Speaker of the House of Representatives, and  
40 the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

41 **SECTION 21.6.** From funds appropriated to the General Assembly, the  
42 Legislative Services Commission shall allocate funds for the expenses of the  
43 Commission established in this Part.

44

1 **PART XXII. LEGISLATIVE STUDY COMMISSION ON DEFERRED DEPOSIT**  
2 **TRANSACTIONS (S.B. 947 – Holloman; Culpepper)**

3  
4 **SECTION 22.1.** There is created the Legislative Study Commission on  
5 Deferred Deposit Transactions. The Commission shall consist of 10 members,  
6 appointed as follows:

- 7 (1) Four members of the Senate appointed by the President Pro Tempore  
8 of the Senate.
- 9 (2) Four members of the House of Representatives appointed by the  
10 Speaker of the House of Representatives.
- 11 (3) One member of the public who is or was engaged in the business of  
12 deferred deposit transactions appointed by the President Pro Tempore  
13 of the Senate.
- 14 (4) One member of the public who is concerned with consumer protection  
15 appointed by the Speaker of the House of Representatives.

16 Vacancies in membership shall be filled by the original appointing authority.  
17 The President Pro Tempore of the Senate and the Speaker of the House of  
18 Representatives shall each designate a cochair of the Commission from their appointees.

19 **SECTION 22.2.** The Commission shall study issues related to the regulation  
20 of deferred deposit transactions by the State of North Carolina and consumer protection.  
21 The purpose of the study shall be to examine the role of the State of North Carolina in  
22 the regulation of deferred deposit transactions and to establish statutory protections and  
23 safeguards for the protection of consumers. The Commission shall consider the  
24 following:

- 25 (1) How other states regulate deferred deposit transactions.
- 26 (2) The advisability of establishing maximum fees, cooling-off periods  
27 between transactions, and mandatory payment plans.
- 28 (3) Special rules concerning members of the military.
- 29 (4) How best to regulate the service in North Carolina and the role, if any,  
30 of the Commissioner of Banks.
- 31 (5) Consumer protections and best practices for providers.
- 32 (6) Other short-term credit alternatives currently available to consumers.

33 **SECTION 22.3.** In conducting the study, the Commission shall actively  
34 solicit and consider information received from representatives of deferred deposit  
35 companies, banks, the North Carolina Attorney General, the State Banking  
36 Commission, the Commissioner of Banks, other interested parties, and the general  
37 public.

38 **SECTION 22.4.** The Commission, while in discharge of its official duties,  
39 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through  
40 G.S. 120-19.4. The Committee may contract for professional, clerical, or consultant  
41 services as provided by G.S. 120-32.02. Subject to the approval of the Legislative  
42 Services Commission, the Commission may meet in the Legislative Building or the  
43 Legislative Office Building. The Legislative Services Commission, through the  
44 Legislative Services Officer, shall assign professional staff to assist the Commission in

1 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall  
2 assign clerical support staff to the Commission, and the expenses relating to clerical  
3 employees shall be borne by the Commission. Members of the Commission shall  
4 receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or  
5 138-6, as appropriate.

6 **SECTION 22.5.** The Commission shall submit a final written report of its  
7 findings and recommendations by April 1, 2006. All reports shall be filed with the  
8 President Pro Tempore of the Senate, the Speaker of the House of Representatives, and  
9 the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

10 **SECTION 22.6.** Of the funds appropriated to the General Assembly, the  
11 Legislative Services Commission shall allocate funds for the expenses of the  
12 Commission established by this act.

### 13 **PART XXIII. COMMISSION FOR A SOUND BASIC EDUCATION (Lucas)**

14  
15  
16 **SECTION 23.1.** The North Carolina Commission for a Sound Basic  
17 Education is hereby established. The Commission shall (i) investigate strategies and  
18 resources which contribute to the opportunity for North Carolina students to obtain a  
19 sound basic education, (ii) analyze all current plans for implementing the strategies  
20 developed to enhance every child's ability to fulfill his or her potential, and (iii) if  
21 necessary, provide a cost analysis for implementing those plans.

22 **SECTION 23.2.** The Commission shall consist of six members appointed by  
23 the President Pro Tempore of the Senate, six members appointed by the Speaker of the  
24 House of Representatives, one member designated by the Chairman of the State Board  
25 of Education, and one member designated by the Superintendent of the Department of  
26 Public Instruction. The President Pro Tempore of the Senate and the Speaker of the  
27 House of Representatives shall each designate a cochair of the Commission from their  
28 appointees. The Commission shall appoint advisory members to assist it in its work.  
29 The advisory members shall include at least two parents of children in the public  
30 schools and representatives of State agencies, the Community College System, The  
31 University of North Carolina, education organizations, child health organizations, and  
32 child advocacy organizations.

33 **SECTION 23.3.** The full Commission shall meet on a monthly basis. The  
34 Commission shall develop the necessary and appropriate committees and  
35 subcommittees to facilitate completion of its work. The committees and subcommittees  
36 shall meet as necessary to effectively conduct the work with which they are charged.  
37 Only members of the Commission may vote on any matter before the Commission.

38 **SECTION 23.4.** Members of the Commission and advisory members of the  
39 Commission shall receive per diem, subsistence, and travel allowances in accordance  
40 with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Commission, while in the  
41 discharge of its official duties, may exercise all powers provided for under G.S. 120-19  
42 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon  
43 the joint call of the cochairs. The Commission may meet in the Legislative Building or  
44 the Legislative Office Building. The Legislative Services Commission, through the

1 Legislative Services Officer, shall assign professional staff to assist the Commission in  
2 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall  
3 assign clerical staff to the Commission, and the expenses relating to the clerical  
4 employees shall be borne by the Commission. The Commission may contract for  
5 professional, clerical, or consultant services as provided by G.S. 120-32.02. If the  
6 Commission hires a consultant, the consultant shall not be a State employee or a person  
7 currently under contract with the State to provide services. All State departments and  
8 agencies and local governments and their subdivisions shall furnish the Commission  
9 with any information in their possession or available to them.

10 **SECTION 23.5.** The Commission shall provide opportunities for substantive  
11 and meaningful input into and development and review of the comprehensive plan by  
12 all stakeholders in the public education system. These stakeholders include, but are not  
13 limited to, students, parents, guardians, educators, school board members, education  
14 advocates, and child health professionals. Opportunities for input and review shall  
15 include (i) regional public forums, (ii) regular distribution to local newspapers statewide  
16 of details of its work and posting of the information on the Internet, (iii) providing  
17 stakeholders with the opportunity to identify representative members of stakeholder  
18 groups to be included as full participants in the Commission's deliberations, and (iv)  
19 open meetings of the Commission and any committees it may create.

20 **SECTION 23.6.** The Commission shall make a final report to the General  
21 Assembly by January 15, 2006. The report shall include the details of the plans, the  
22 results of the cost analysis and a proposed budget, and any statutory changes necessary  
23 to implement the plans on a statewide basis. The Commission shall terminate upon  
24 filing its final report or upon the convening of the 2006 Regular Session of the 2005  
25 General Assembly, whichever is earlier.

26 **SECTION 23.7.** Of the funds appropriated to the General Assembly, the  
27 Legislative Services Commission shall allocate funds for the expenses of the  
28 Commission established by this Part.

#### 29 30 **PART XXIV. LEGISLATIVE STUDY COMMISSION ON INFORMATION** 31 **TECHNOLOGY (Malone)**

32  
33 **SECTION 24.1.** There is established the Legislative Study Commission on  
34 Information Technology. The Commission shall consist of 14 members, appointed as  
35 follows:

- 36 (1) Five members of the Senate appointed by the President Pro Tempore  
37 of the Senate.
- 38 (2) Five members of the House of Representatives appointed by the  
39 Speaker of the House of Representatives.
- 40 (3) Two members of the general public with experience in information  
41 technology appointed by the President Pro Tempore of the Senate.
- 42 (4) Two members of the general public with experience in information  
43 technology appointed by the Speaker of the House of Representatives.



1 Vacancies in membership shall be filled by the original appointing authority.  
2 The President Pro Tempore of the Senate and the Speaker of the House of  
3 Representatives shall each designate a cochair of the Commission from their appointees.

4 **SECTION 24.2.** The Commission shall study issues related to information  
5 technology in State government and the public schools of the State.

6 **SECTION 24.3.** The Commission, while in discharge of its official duties,  
7 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through  
8 G.S. 120-19.4. The Commission may contract for professional, clerical, or consultant  
9 services as provided by G.S. 120-32.02. Subject to the approval of the Legislative  
10 Services Commission, the Commission may meet in the Legislative Building or the  
11 Legislative Office Building. The Legislative Services Commission, through the  
12 Legislative Services Officer, shall assign professional staff to assist the Commission in  
13 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall  
14 assign clerical support staff to the Commission, and the expenses relating to clerical  
15 employees shall be borne by the Commission. Members of the Commission shall  
16 receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or  
17 138-6, as appropriate.

18 **SECTION 24.4.** The Commission shall submit a final written report of its  
19 findings and recommendations by April 1, 2006. All reports shall be filed with the  
20 President Pro Tempore of the Senate, the Speaker of the House of Representatives, and  
21 the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

22 **SECTION 24.5.** Of the funds appropriated to the General Assembly, the  
23 Legislative Services Commission shall allocate funds for the expenses of the  
24 Commission established by this act.

25  
26 **PART XXV. HISTORICALLY UNDERUTILIZED BUSINESS**  
27 **CERTIFICATION TASK FORCE (Dorsett)**

28  
29 **SECTION 25.1.** Task Force Established; Membership. – The Department of  
30 Administration shall establish a Historically Underutilized Business Task Force. The  
31 Task Force shall consist of 15 members as follows:

- 32 (1) One member appointed by the North Carolina League of  
33 Municipalities.
- 34 (2) One member appointed by the North Carolina Association of County  
35 Commissioners.
- 36 (3) One member appointed by the North Carolina School Boards  
37 Association.
- 38 (4) One member appointed by the North Carolina Institute for Minority  
39 Economic Development.
- 40 (5) Three members appointed by the North Carolina Minority and  
41 Women's Business Enterprise Coordinator's Network.
- 42 (6) Eight members appointed by the Office of Historically Underutilized  
43 Business, two of whom shall be representatives of the Office, one of  
44 whom shall be a minority business owner, one of whom shall be a

1 female business owner, one of whom shall be a disabled business  
2 owner, and three of whom shall be public members.

3 Vacancies in membership shall be filled as provided in this section.

4 **SECTION 25.2.** Cochairs; Meetings. – The Task Force shall have two  
5 cochairs appointed by the Secretary of Administration from among the members of the  
6 Task Force. The Task Force shall meet at least quarterly upon the call of the cochairs.

7 **SECTION 25.3.** Quorum; Voting. – A quorum of the Task Force shall  
8 consist of five members. All action shall be taken by a majority vote.

9 **SECTION 25.4.** Duties. – The Task Force shall propose criteria and  
10 procedures for: (i) the certification of businesses under G.S. 143-48 and G.S. 143-128.2  
11 as Historically Underutilized Businesses; (ii) the creation and maintenance of a database  
12 of the businesses certified; and (iii) any other matters related to the certification of  
13 businesses as authorized in this section. In determining ownership of a business for  
14 purposes of certification, the Task Force shall use the definitions provided in  
15 G.S. 143-48 and G.S. 143-128.2.

16 **SECTION 25.5.** Support. – The Department of Administration shall provide  
17 meeting facilities and staff support for the Task Force. The Task Force may also seek  
18 other assistance, including technical, business, and managerial assistance.

19 **SECTION 25.6.** Report. – The Task Force shall report its proposed criteria  
20 and procedures to the Secretary of Administration on or before November 1, 2006, at  
21 which time the Task Force shall terminate.

22

## 23 **PART XXVI. SMART START AND CHILD CARE FUNDING STUDY (Hagan)**

24

25 **SECTION 26.1.** There is established a Smart Start and Child Care Funding  
26 Study Commission.

27 **SECTION 26.2.** The Commission shall be composed of 15 members as  
28 follows:

29 (1) Four members of the Senate appointed by the President Pro Tempore  
30 of the Senate.

31 (2) Four members of the House of Representatives appointed by the  
32 Speaker of the House of Representatives.

33 (3) A representative of the North Carolina Partnership for Children  
34 appointed by the President Pro Tempore of the Senate.

35 (4) The Secretary of the Department of Health and Human Services or the  
36 Secretary's designee.

37 (5) A Department of Social Services County Director appointed by the  
38 Speaker of the House of Representatives.

39 (6) A Department of Public Health County Director appointed by the  
40 President Pro Tempore of the Senate.

41 (7) A representative of a Local Partnership for Children appointed by the  
42 Speaker of the House of Representatives.

43 (8) One representative from a private for-profit day care appointed by the  
44 President Pro Tempore of the Senate and one representative from a

1 private not-for-profit day care appointed by the Speaker of the House  
2 of Representatives.

3 Any vacancy on the Commission shall be filled by the appointing authority.  
4 Cochairs of the Commission shall be designated by the President Pro Tempore of the  
5 Senate and the Speaker of the House of Representatives from among their respective  
6 appointees. The Commission shall meet upon the call of the cochairs.

7 **SECTION 26.3.** The Commission shall invite the Secretary of Health and  
8 Human Services to attend each meeting of the Commission and encourage the  
9 Secretary's participation in the Commission's deliberations.

10 **SECTION 26.4.** The Commission shall study the funding of the North  
11 Carolina Partnership for Children. In conducting the study, the Commission shall  
12 consider the following:

- 13 (1) The current funding system of the North Carolina Partnership for  
14 Children.
- 15 (2) Any strategies for achieving full funding and full service for North  
16 Carolina's young children and families.
- 17 (3) Funding equity among all counties and local partnerships.
- 18 (4) Any other information the Commission deems relevant in providing  
19 services to young children and families including child care services.

20 **SECTION 26.5.** Members of the Commission shall receive per diem,  
21 subsistence, and travel allowances in accordance with G.S.120-3.1, 138-5, or 138-6, as  
22 appropriate. Upon the prior approval of the Legislative Services Commission, the  
23 Legislative Services Officer shall assign professional staff to the Commission to aid in  
24 its work. The Commission may contract for professional, clerical, or consultant services  
25 as provided by G.S. 120-32.02. The Commission may meet during a regular or extra  
26 session of the General Assembly, subject to approval of the President Pro Tempore of  
27 the Senate and the Speaker of the House of Representatives. The Commission shall  
28 meet at various locations around the State in order to promote greater public  
29 participation in its deliberations. Subject to the approval of the Legislative Services  
30 Commission, the Commission may meet in the Legislative Building or the Legislative  
31 Office Building. The Commission, while in the discharge of its official duties, may  
32 exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1  
33 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and  
34 departments of the State to provide any information, data, or documents within their  
35 possession, ascertainable from their records, or otherwise available to them and the  
36 power to subpoena witnesses.

37 **SECTION 26.6.** The Commission shall make its findings and  
38 recommendations in a final report to the 2006 Regular Session of the 2005 General  
39 Assembly. Upon the earlier of the filing of its final report or the convening of the 2007  
40 General Assembly, the Commission shall terminate.

41 **SECTION 26.7.** From funds appropriated to the General Assembly, the  
42 Legislative Services Commission shall allocate funds for the purpose of conducting the  
43 study provided for in this section.

44

1 **PART XXVII. STUDY COMMISSION ON ECONOMIC DEVELOPMENT**  
2 **INFRASTRUCTURE**

3  
4 **SECTION 27.1.** There is created the Study Commission on Economic  
5 Development Infrastructure. The Commission shall consist of 32 members as follows:

- 6 (1) Sixteen members appointed by the President Pro Tempore of the  
7 Senate.  
8 (2) Sixteen members appointed by the Speaker of the House of  
9 Representatives.

10 **SECTION 27.2.** At least half of the members appointed to the Commission  
11 by the President Pro Tempore of the Senate, and at least half of the members appointed  
12 to the Commission by the Speaker of the House of Representatives shall be persons who  
13 are not members of the General Assembly and who are either actively engaged in  
14 economic development or C-Level Executives of private corporations.

15 **SECTION 27.3.** The President Pro Tempore of the Senate shall appoint two  
16 cochairs of the Commission, and the Speaker of the House of Representatives shall  
17 appoint two cochairs of the Commission. The Commission may meet at any time upon  
18 the joint call of the cochairs. Vacancies on the Commission shall be filled by the same  
19 appointing authority as made the initial appointment.

20 **SECTION 27.4.** The Commission shall examine the existing infrastructure  
21 for the delivery of economic development, including the many entities involved in  
22 economic development. The Commission shall develop a plan to restructure and  
23 consolidate the infrastructure for the delivery of economic development to improve its  
24 organization and effectiveness. The Commission shall specifically examine the role of  
25 the following in the delivery of economic development:

- 26 (1) The Department of Commerce.  
27 (2) The regional councils of government created pursuant to  
28 G.S. 160A-470.  
29 (3) The Economic Development Board created pursuant to  
30 G.S. 143B-434. The Commission shall consider whether the Economic  
31 Development Board, which is currently advisory in nature, should be  
32 reconstituted and given responsibility for policy development or  
33 regulatory authority.  
34 (4) The regional planning and economic development commissions  
35 created pursuant to Article 2 of Chapter 158 of the General Statutes.  
36 The Commission shall consider whether regional planning and  
37 economic development commissions should be given greater  
38 responsibility for marketing and business recruitment.

39 **SECTION 27.5.** The Commission may also examine the feasibility of  
40 establishing a North Carolina Economic Disaster Task Force.

41 **SECTION 27.6.** The Commission, while in the discharge of its official  
42 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1  
43 through G.S. 120-19.4. The Commission may contract for professional, clerical, or  
44 consultant services as provided by G.S. 120-32.02.

1           **SECTION 27.7.** Subject to the approval of the Legislative Services  
2 Commission, the Commission may meet in the Legislative Building or the Legislative  
3 Office Building. The Legislative Services Commission, through the Legislative Services  
4 Officer, shall assign professional staff to assist the Commission in its work. The House  
5 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical support  
6 staff to the Commission, and the expenses relating to the clerical employees shall be  
7 borne by the Commission. Members of the Commission shall receive subsistence and  
8 travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

9           **SECTION 27.8.** The Commission shall submit a final report of its findings  
10 and recommendations, including any legislative recommendations, to the 2006 Regular  
11 Session of the 2005 General Assembly upon its convening. The Commission shall  
12 terminate upon the convening of the 2007 General Assembly.

13           **SECTION 27.9.** Of the funds appropriated to the General Assembly, the  
14 Legislative Services Commission shall allocate funds for the expenses of the  
15 Commission established by this Part.

## 16 17 **PART XXVIII. DEPARTMENTAL ANALYSIS ON FUNDING FOR AREA AND** 18 **COUNTY PROGRAM ADMINISTRATION (Holloman)**

19  
20           **SECTION 28.** The Department of Health and Human Services shall conduct  
21 an analysis of funding for administration for area and county mental health,  
22 developmental disabilities, and substance abuse services programs and shall report the  
23 results of its analysis to the Senate Appropriations Committee on Health and Human  
24 Services, the House of Representatives Appropriations Subcommittee on Health and  
25 Human Services, the Fiscal Research Division, and the Joint Legislative Study  
26 Committee on Mental Health, Developmental Disabilities, and Substance Abuse  
27 Services not later than May 1, 2006.

## 28 29 **PART XXIX. LEGISLATIVE STUDY COMMISSION ON STATE** 30 **GOVERNMENT EFFICIENCY**

31  
32           **SECTION 29.1.** Commission Established. – There is established a  
33 Legislative Study Commission on State Government Efficiency.

34           **SECTION 29.2.** Membership. – The Commission shall be composed of 12  
35 members as follows:

- 36           (1) Six members of the House of Representatives appointed by the  
37           Speaker of the House of Representatives.
- 38           (2) Six members of the Senate appointed by the President Pro Tempore of  
39           the Senate.

40           **SECTION 29.3.** Duties of the Commission. – The Commission shall  
41 conduct a comprehensive review of programs and services provided by the State. As  
42 part of its review the Commission shall work with the Office of the Governor, the  
43 Office of the State Auditor, and the Office of the State Controller, and shall utilize the  
44 resources of those offices and other State agencies as appropriate.

1 The Commission shall contract for a performance audit of the executive  
2 branch of State government, including The University of North Carolina System. The  
3 goals of the audit are to evaluate the efficiency and effectiveness of State government  
4 and The University of North Carolina System and to identify specific ways to make  
5 improvements. The audit may examine entire departments, agencies, or institutions, or  
6 similar programs in several departments. The results of the audit shall be reported on or  
7 before February 1, 2007.

8 The performance audit shall include an examination of the efficiency and  
9 effectiveness of major management policies, practices, and functions, including the  
10 following areas:

- 11 (1) Planning, budgeting, and program evaluation policies and practices,  
12 including an analysis of the compliance of the executive branch and  
13 The University of North Carolina System with existing planning  
14 requirements, such as the Capital Improvement Planning Act, Article  
15 1B of Chapter 143 of the General Statutes.
- 16 (2) Personnel systems operations and management.
- 17 (3) State purchasing operations and management.
- 18 (4) Information technology and telecommunications systems policy,  
19 organization, and management.
- 20 (5) Review of duplications and related or overlapping services or activities  
21 for the purpose of coordinating and streamlining programs to achieve  
22 consistent and clear objectives.

23 In conducting its study the Commission shall review and evaluate the results  
24 of the audit.

25 **SECTION 29.4.** Vacancies. – A vacancy shall be filled by the officer who  
26 made the original appointment.

27 **SECTION 29.5.** Cochairs. – The Speaker of the House of Representatives  
28 and the President Pro Tempore of the Senate shall designate cochairs of the  
29 Commission from among their respective appointees. The Commission shall meet upon  
30 the call of the cochairs. A quorum of the Commission shall be seven members.

31 **SECTION 29.6.** Expenses of Members. – Members of the Commission shall  
32 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,  
33 138-5, or 138-6, as appropriate.

34 **SECTION 29.7.** Staff. – The Legislative Services Commission, through the  
35 Legislative Services Officer, shall assign professional staff to assist the Commission in  
36 its work. The House of Representatives' and the Senate's Supervisors of Clerks shall  
37 assign clerical staff to the Commission, and the expenses related to the clerical  
38 employees shall be borne by the Commission.

39 **SECTION 29.8.** Consultants. – The Commission may employ consultants to  
40 assist with the study as provided in G.S. 120-32.02.

41 **SECTION 29.9.** Meetings During Legislative Session. – The Commission  
42 may meet during a regular or extra session of the General Assembly, subject to approval  
43 of the Speaker of the House of Representatives and the President Pro Tempore of the  
44 Senate.

1           **SECTION 29.10.** Meeting Location. – The Commission may meet at  
2 various locations around the State in order to promote greater public participation in its  
3 deliberations. Subject to the approval of the Legislative Services Commission, the  
4 Commission may meet in the State Legislative Building or the Legislative Office  
5 Building.

6           **SECTION 29.11.** Report. – The Commission shall submit a final report of  
7 its findings and recommendations, together with any recommended legislation and  
8 necessary fiscal notes, to the General Assembly. The Commission shall terminate upon  
9 the filing of its final report.

10           **SECTION 29.12.** Funds. – Of the funds appropriated to the General  
11 Assembly, the Legislative Services Commission shall allocate funds for the expenses of  
12 the Commission established by this Part.

13  
14 **PART XXX. RAIL SERVICES COMMISSION (H.B. 89 – Pate, Rapp; S.B. 674 –**  
15 **Nesbitt)**

16  
17           **SECTION 30.1.** Commission Established. – There is established in the  
18 General Assembly a Joint Legislative Commission on Expanding Rail Service. The  
19 Commission shall be composed of 16 members as follows:

- 20           (1) Eight members of the House of Representatives appointed by the  
21 Speaker of the House of Representatives.  
22           (2) Eight members of the Senate appointed by the President Pro Tempore  
23 of the Senate.

24           **SECTION 30.2.** Duties of Commission. – The Commission shall study the  
25 following matters related to expanding rail service in North Carolina:

- 26           (1) The cost and benefits of expanding and upgrading rail service in the  
27 State, including the effect the expanded service would have on  
28 economic development.  
29           (2) The feasibility, cost, and benefits of establishing commuter rail service  
30 in the State to transport workers to cities from outlying areas,  
31 including the effect the commuter service would have on increasing  
32 the economic opportunities of those who live in the outlying areas.  
33           (3) The cost and benefits of expanding passenger rail service to the  
34 western and eastern areas of the State, including the effect the  
35 expanded service would have on tourism.  
36           (4) Ways to preserve unused or abandoned rail corridors for future rail  
37 needs.  
38           (5) Spurring economic development and tourism through further  
39 development of short-line railroads.

40           Any vacancy on the Commission shall be filled by the appointing authority.  
41 Cochairs of the Commission shall be designated by the Speaker of the House of  
42 Representatives and the President Pro Tempore of the Senate from among their  
43 respective appointees. The Commission shall meet upon the call of the cochairs. A  
44 quorum of the Commission shall be nine members.

1           **SECTION 30.3.** Expenses of Members. – Members of the Commission shall  
2 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,  
3 138-5, or 138-6, as appropriate.

4           **SECTION 30.4.** Staff. – Adequate staff shall be provided to the Commission  
5 by the Legislative Services Office.

6           **SECTION 30.5.** Consultants. – The Commission may contract for  
7 professional, clerical, or consultant services as provided by G.S. 120-32.02.

8           **SECTION 30.6.** Cooperation. – The Commission may call upon any  
9 department, agency, institution, or officer of the State or any political subdivision  
10 thereof for facilities, data, or other assistance.

11           **SECTION 30.7.** Meetings During Legislative Session. – The Commission  
12 may meet during a regular or extra session of the General Assembly, subject to approval  
13 of the Speaker of the House of Representatives and the President Pro Tempore of the  
14 Senate.

15           **SECTION 30.8.** Meeting Location. – The Commission shall meet at various  
16 locations around the State in order to promote greater public participation in its  
17 deliberations. The Legislative Services Commission shall grant adequate meeting space  
18 to the Commission in the State Legislative Building or the Legislative Office Building.

19           **SECTION 30.9.** Report. – The Commission shall make an interim report of  
20 its findings and recommendations to the 2006 Regular Session of the 2005 General  
21 Assembly and shall make a final report of its findings and recommendations to the 2007  
22 General Assembly. Upon the filing of its final report, the Commission shall terminate.

23           **SECTION 30.10.** Appropriation. – Of the funds appropriated to the General  
24 Assembly, the Legislative Services Commission shall allocate funds for the expenses of  
25 the Commission.

26  
27 **PART XXXI. STUDY MITIGATION OF POTENTIAL FLOODING IN**  
28 **CERTAIN AREAS (H.B. 24 – Gillespie; Goforth, Rapp)**

29  
30           **SECTION 31.** The Department of Environment and Natural Resources shall  
31 study the causes of the flooding in Canton, Biltmore Village, Blue Ridge Paper  
32 Company, and the City of Newland to determine what measures can be taken to prevent  
33 or mitigate the flooding potential in those areas. The Department may request the  
34 assistance of the United States Army Corps of Engineers in this study. The Department  
35 of Environment and Natural Resources shall report its findings to the 2006 Regular  
36 Session of the 2005 General Assembly.

37  
38 **PART XXXII. STUDY THE ORGANIZATION OF THE GENERAL COURT OF**  
39 **JUSTICE INTO DISTRICTS AND DIVISIONS (S.B. 173 – Bingham)**

40  
41           **SECTION 32.** The North Carolina Courts Commission shall study the  
42 current state of the General Court of Justice, focusing on workloads, case backlogs, and  
43 other issues relevant to the efficient administration of justice and determine whether the  
44 current organization of the State into judicial divisions, superior court districts, district



1 court districts, and prosecutorial districts is in need of revision or adjustment in order to  
2 better serve the interests of justice. The Commission shall report its findings and  
3 recommendations to the 2006 Regular Session of the 2005 General Assembly.

4  
5 **PART XXXIII. STUDY INHERENTLY DANGEROUS ANIMALS (S.B. 1032 –**  
6 **Garwood)**

7  
8 **SECTION 33.1.** The Department of Environment and Natural Resources, in  
9 consultation with the North Carolina Zoological Park and the Wildlife Resources  
10 Commission, shall study the need to protect the public against the health and safety  
11 risks posed by inherently dangerous animals and propose a means of best providing that  
12 protection to the public while protecting the welfare of inherently dangerous animals as  
13 well. In developing recommendations, the Department shall consult with the following  
14 entities or groups, or appropriate representatives of those entities or groups:

- 15 (1) The Department of Agriculture and Consumer Services.
- 16 (2) The Division of Public Health of the Department of Health and Human  
17 Services.
- 18 (3) The North Carolina State University College of Veterinary Medicine.
- 19 (4) The State Animal Response Team.
- 20 (5) Local law enforcement officials.
- 21 (6) Local animal control officials.
- 22 (7) Wild animal breeders.
- 23 (8) Exotic pet hobbyists.
- 24 (9) Commercial pet retailers.
- 25 (10) Small zoo owners.
- 26 (11) Humane organizations.
- 27 (12) Any other entities or groups whose interests may be affected by  
28 proposed regulations.

29 **SECTION 33.2.** The Department shall report its findings to the General  
30 Assembly no later than the convening of the 2006 Regular Session of the 2005 General  
31 Assembly. Any legislation recommended in the report may be considered during the  
32 2006 Regular Session of the 2005 General Assembly.

33 **SECTION 33.3.** The report made by the Department of Environment and  
34 Natural Resources shall include:

- 35 (1) A list of the types of animals that possess such inherently dangerous  
36 characteristics that they should not be owned or possessed by persons  
37 who do not have special expertise or training, and a determination as to  
38 whether these animals should be grouped into classes for differential  
39 treatment based upon the nature and extent of the threat they pose to  
40 the public. This list should also include information about the nature of  
41 the dangers posed by each type of animal.
- 42 (2) A suggested means for regulating ownership of certain animals,  
43 including a means of enforcing any proposed restrictions on the  
44 ownership or possession of those animals. This portion of the report

1           may include an evaluation of regulations in place in other jurisdictions  
2           that have proven to be effective in protecting the public from  
3           inherently dangerous animals.

4           (3)    A plan for addressing inherently dangerous animals that are indigenous  
5           species within the jurisdiction of the Wildlife Resources Commission  
6           under Article 22 of Chapter 113 of the General Statutes and a  
7           consideration as to whether any potential legislation should broadly  
8           address the keeping of any wildlife as pets, whether indigenous or not  
9           and whether inherently dangerous or not. This portion of the report  
10          should result from extensive consultation with the Wildlife Resources  
11          Commission.

12          (4)    A recommendation as to whether persons owning or possessing  
13          animals covered by any proposed restrictions should be grandfathered  
14          in under a regulatory scheme and the appropriate means of  
15          grandfathering those persons in, including consideration of whether  
16          certain animals are so threatening to the public safety that the  
17          grandfathering of untrained owners or possessors should not be  
18          allowed under any circumstances.

19          (5)    A recommended list, as comprehensive as possible, of persons and  
20          entities that should be exempted from the proposed restrictions on  
21          ownership or possession of the animals covered by any proposed  
22          restrictions, such as zoos, veterinary hospitals, wildlife sanctuaries,  
23          research institutions, and the like.

#### 24 25 **PART XXXIV. STATE FAIR HOUSING ACT STUDY (Kinnaird)**

26  
27           **SECTION 34.** The North Carolina Human Relations Commission shall  
28           study whether the State Fair Housing Act should be amended to make it an unlawful  
29           discriminatory housing practice to refuse to enter into a residential real estate  
30           transaction with a person based upon the fact that the person receives public assistance  
31           due to age or physical or mental disability. In studying this issue, the Commission shall  
32           review the laws of other states related to housing discrimination and determine the  
33           extent to which certain forms of public assistance are protected under those laws. While  
34           conducting the study, the Commission shall consult with representatives from the  
35           residential real estate and residential rental community. The Commission shall report its  
36           findings and any recommendations to the 2006 Regular Session of the 2005 General  
37           Assembly.

#### 38 39 **PART XXXV. STUDY YOUTHFUL OFFENDERS (H.B. 1298 – Bordsen)**

40  
41           **SECTION 35.1.** The North Carolina Sentencing and Policy Advisory  
42           Commission may study issues related to the conviction and sentencing of youthful  
43           offenders aged 16 to 21 years, to determine whether the State should amend the laws  
44           concerning these offenders, including, but not limited to, revisions of the Juvenile Code

1 and/or the Criminal Procedure Act that would provide appropriate sanctions, services,  
2 and treatment for such offenders. In conducting the study, the Commission may review  
3 the laws concerning juveniles and youthful offenders from the federal government,  
4 other states, and the relevant North Carolina laws and programs. The Commission shall  
5 consult with the Department of Correction, the Department of Health and Human  
6 Services, the Department of Juvenile Justice and Delinquency Prevention, and the  
7 Department of Public Instruction in conducting the study.

8 **SECTION 35.2.** The Commission shall submit a preliminary report to the  
9 2006 Regular Session of the 2005 General Assembly by June 1, 2006, and shall submit  
10 a final report, along with any recommended legislation, by March 1, 2007, to the 2007  
11 General Assembly.

### 12 13 **PART XXXVI. WILMINGTON RACE RIOT COMMISSION (Wright)**

14  
15 **SECTION 36.1.** Section 17.1(c) of S.L. 2000-138, as amended by Section  
16 3.1 of S.L. 2002-180 and Section 41.1 of S.L. 2004-161, reads as rewritten:

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

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

28 The Commission shall terminate on ~~December 31, 2005.~~ June 30, 2006."

29 **SECTION 36.2.** Section 17.1(g) of S.L. 2000-138, as amended by Section  
30 3.2 of S.L. 2002-180 and Section 41.4 of S.L. 2004-161, reads as rewritten:

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

37 **SECTION 36.3.** Section 17.1(j) of S.L. 2000-138, as amended by Section  
38 3.3 of S.L. 2002-180 and Section 41.5 of S.L. 2004-161, reads as rewritten:

39 "**Section 17.1.(j)** The Commission may submit to the General Assembly an interim  
40 report of its findings and recommendations. The Commission shall submit to the  
41 General Assembly a final report of its findings and recommendations no later than  
42 ~~December 31, 2005.~~ June 30, 2006. The final report may include suggestions for a  
43 permanent marker or memorial of the riot and whether to designate the event with a  
44 historic site."

1  
2 **PART XXXVII. HEALTH CARE NEEDS HOKE COUNTY (H.B. 797 – Pierce)**  
3

4 **SECTION 37.** The Department of Health and Human Services, Office of  
5 Research, Demonstrations, and Rural Health Development, may evaluate the health care  
6 needs in Hoke County and other health professional shortage areas of the State without  
7 inpatient services and with a high percentage of uninsured residents. The Department  
8 shall report on its evaluation to the Joint Legislative Health Care Oversight Committee  
9 not later than January 1, 2006, and shall submit a final report not later than April 1,  
10 2006.  
11

12 **PART XXXVIII. LEGISLATIVE COMMISSION ON AUTISM, LAW**  
13 **ENFORCEMENT, PUBLIC SAFETY, AND FIRST RESPONDERS (Culpepper)**  
14

15 **SECTION 38.1.** Commission Established. – There is established in the  
16 General Assembly a Joint Legislative Study Commission on Autism Spectrum Disorder  
17 (ASD), Law Enforcement, Public Safety, and First Responders.

18 **SECTION 38.2.** Membership. – The Commission shall be composed of 20  
19 members as follows:

- 20 (1) Three members of the House of Representatives appointed by the  
21 Speaker of the House of Representatives.  
22 (2) Three members of the Senate appointed by the President Pro Tempore  
23 of the Senate.  
24 (3) Fourteen members from the Independent Task Force on Autism, Law  
25 Enforcement, and First Responders.

26 **SECTION 38.3.** Duties of Commission. – The Commission shall study and  
27 make recommendations to pertinent State departments and agencies regarding the  
28 following matters related to autism-specific training and education of law enforcement  
29 personnel, judges, magistrates, district attorneys, public safety personnel, and first  
30 responders:

- 31 (1) Promote the inclusion of autism-specific training and education in  
32 public safety training as well as in-service training in the N.C.  
33 Criminal Justice Education and Training Standards Commission Basic  
34 Law Enforcement Training (BLET) and the North Carolina  
35 Community College System Public Safety and First Responder  
36 Continuing Education.  
37 (2) Track the distribution of autism-specific training and educational  
38 materials through the North Carolina Community College System  
39 collaborating efforts with the Criminal Justice Standards Division of  
40 the Department of Justice to help ensure statewide continuity of  
41 autism-specific education and training.  
42 (3) Members may be available to make presentations regarding the  
43 importance of appropriate autism-specific education and training to  
44 law enforcement personnel, community colleges, public safety

1 personnel, first responder units, judges, district attorneys, magistrates,  
2 and related organizations and associations in North Carolina.

3 Any vacancy on the Commission shall be filled by the appointing authority.  
4 Cochairs of the Commission shall be designated by the Speaker of the House of  
5 Representatives and the President Pro Tempore of the Senate from among their  
6 respective appointees. The Commission shall meet upon the call of the chairs. A  
7 quorum of the Commission shall be nine members.

8 **SECTION 38.4.** Expenses of Members. – Members of the Commission shall  
9 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,  
10 138-5, or 138-6, as appropriate.

11 **SECTION 38.5.** Staff. – Adequate staff shall be provided to the Commission  
12 by the Legislative Services Office.

13 **SECTION 38.6.** Consultants. – The Commission may contract for  
14 professional, clerical, or consultant services as provided by G.S. 120-32.02.

15 **SECTION 38.7.** Cooperation. – The Commission, while in the discharge of  
16 its official duties, may exercise all the powers provided under the provisions of  
17 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request  
18 all officers, agents, agencies, and departments of the State to provide any information,  
19 data, or documents within their possession, ascertainable from their records, or  
20 otherwise available to them and the power to subpoena witnesses.

21 **SECTION 38.8.** Meetings During Legislative Session. – The Commission  
22 may meet during a regular or extra session of the General Assembly, subject to approval  
23 of the Speaker of the House of Representatives and the President Pro Tempore of the  
24 Senate.

25 **SECTION 38.9.** Meeting Location. – The Commission shall meet at various  
26 locations around the State in order to promote greater public participation in its  
27 deliberations. The Legislative Services Commission shall grant adequate meeting space  
28 to the Commission in the State Legislative Building or the Legislative Office Building.

29 **SECTION 38.10.** Report. – The Commission shall make an interim report of  
30 its findings and recommendations to the 2006 Regular Session of the 2005 General  
31 Assembly and shall make a final report of its findings and recommendations to the 2007  
32 General Assembly. Upon the filing of its final report, the Commission shall terminate.

33 **SECTION 38.11.** Appropriation. – Of the funds appropriated to the General  
34 Assembly, the Legislative Services Commission shall allocate sufficient funds for the  
35 expenses of the Commission.

36  
37 **PART XXXIX. LEGISLATIVE COMMISSION ON PATIENT SAFETY (H.B.**  
38 **1334 – L. Allen, England, Rapp)**  
39

40 **SECTION 39.1.** Commission Established. – There is established the Joint  
41 Legislative Study Commission on Promoting Patient Safety in the Provision of Health  
42 Care. The mission of the Commission is to bring representatives from all aspects of  
43 health care together to hold open and comprehensive discussions about issues affecting  
44 patient safety in the delivery of health care.

1           **SECTION 39.2.** Membership. – The Commission shall consist of 27  
2 members as follows:

3           (1) The President Pro Tempore of the Senate shall appoint 12 members:  
4 four from the Senate and one representative from each of the  
5 following:

- 6           a. The North Carolina Medical Society;
- 7           b. The North Carolina Hospital Association;
- 8           c. The North Carolina Nurses Association;
- 9           d. Health insurers;
- 10          e. The North Carolina Association of Pharmacists;
- 11          f. A retired superior court judge who is not currently a sitting  
12 judge but who has experience presiding over civil litigation in  
13 this State, recommended by the North Carolina Bar  
14 Association;
- 15          g. The North Carolina Health Care Facilities Association; and
- 16          h. The Duke Endowment.

17          (2) The Speaker of the House of Representatives shall appoint 12  
18 members: four from the House of Representatives and one  
19 representative from each of the following:

- 20          a. The North Carolina Medical Society;
- 21          b. The North Carolina Hospital Association;
- 22          c. Pharmaceutical Research and Manufacturers of America, Inc.,  
23 its local affiliates or a comparable professional association  
24 located in this State;
- 25          d. Managed care organizations;
- 26          e. Association of Community Pharmacists, Inc.;
- 27          f. A retired superior court judge who is not currently a sitting  
28 judge but who has experience presiding over civil litigation in  
29 this State, recommended by the North Carolina Academy of  
30 Trial Lawyers;
- 31          g. The North Carolina Association, Long Term Care Facilities;  
32 and
- 33          h. The Institute for Public Health, University of North Carolina at  
34 Chapel Hill School of Public Health.

35          (3) The Governor shall appoint three members who represent patient  
36 advocacy and consumer organizations and are not practicing attorneys.

37           **SECTION 39.3.** Duties. – The Commission shall study current activities  
38 being conducted by hospitals and other health care providers to address patient safety in  
39 the provision of health care in this State and shall determine the actions that should be  
40 taken, including legislative actions and collaboration among agencies and other  
41 individuals and entities, to substantially enhance and promote patient safety.

42           **SECTION 39.4.** Reports. – The Commission shall submit a final written  
43 report of its findings and recommendations to the General Assembly not later than the  
44 convening of the 2007 General Assembly. The Commission may submit a progress

1 report to the 2006 Regular Session of the 2005 General Assembly upon its convening.  
2 The reports shall also include legislative proposals necessary to implement the  
3 Commission's recommendations and an analysis of the fiscal impact of each  
4 recommendation. Upon the filing of its final report, the Commission shall terminate.

5 **SECTION 39.5.** Expenses of Members. – Members of the Commission shall  
6 be paid per diem, subsistence, and travel expenses as follows:

7 (1) Commission members who are members of the General Assembly  
8 shall be paid in accordance with G.S. 120-3.1.

9 (2) Commission members who are officials or employees of the State or  
10 local government agencies shall be paid in accordance with  
11 G.S. 138-6.

12 (3) All other Commission members shall be paid in accordance with  
13 G.S. 138-5.

14 **SECTION 39.6.** Cochairs; Meetings. – The Speaker of the House of  
15 Representatives shall appoint a cochair, and the President Pro Tempore of the Senate  
16 shall appoint a cochair for the Commission from their respective appointees. The  
17 Commission shall meet upon the call of the chairs. A majority of the Commission  
18 members shall constitute a quorum. The Commission may meet during a regular or  
19 special session of the General Assembly, subject to the approval of the President Pro  
20 Tempore of the Senate and the Speaker of the House of Representatives. The  
21 Legislative Services Commission may provide meeting space to the Commission in the  
22 State Legislative Building or in the Legislative Office Building.

23 **SECTION 39.7.** Staff. – With the prior approval of the Legislative Services  
24 Commission, the Legislative Services Officer shall assign professional staff to assist in  
25 the work of the Commission.

26 **SECTION 39.8.** Cooperation by Government Agencies. – The Commission,  
27 while in the discharge of its official duties, may exercise all the powers provided under  
28 the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the  
29 power to request all officers, agents, agencies, and departments of the State to provide  
30 any information, data, or documents within their possession, ascertainable from their  
31 records, or otherwise available to them and the power to subpoena witnesses.

32 **SECTION 39.9.** Appropriation. – Of the funds appropriated to the General  
33 Assembly, the Legislative Services Commission shall allocate sufficient funds for the  
34 expenses of the Commission.

35  
36 **PART XL. STUDY OF RATE-SETTING METHODOLOGY FOR**  
37 **STATE-FUNDED KIDNEY DIALYSIS (H.B. 1725 – Earle)**

38  
39 **SECTION 40.** The Department of Health and Human Services shall study  
40 its rate setting methodology for State-funded kidney dialysis services to determine the  
41 feasibility of inflationary increases that correspond to rate and inflationary increases  
42 provided for equivalent Medicaid services. The Department shall report its findings to  
43 the House of Representatives Appropriations Committee and the Senate Appropriations  
44 Committee by May 1, 2006.

1  
2 **PART XLI. MENHADEN STUDY COMMISSION (H.B. 955 – Stiller)**  
3

4 **SECTION 41.1.** Commission Established; Membership. – The Legislative  
5 Commission on Menhaden is hereby established. The Commission shall consist of 10  
6 members as follows:

7 (1) Five members of the Senate appointed by the President Pro Tempore  
8 of the Senate.

9 (2) Five members of the House of Representatives appointed by the  
10 Speaker of the House of Representatives.

11 **SECTION 41.2.** Cochairs. – The Commission shall have two cochairs, one  
12 senator designated by the President Pro Tempore of the Senate and one representative  
13 designated by the Speaker of the House of Representatives from among their respective  
14 appointees. The Commission shall meet upon the call of the cochairs.

15 **SECTION 41.3.** Quorum. – A quorum of the Commission shall consist of  
16 six members.

17 **SECTION 41.4.** Vacancies. – Any vacancy on the Commission shall be  
18 filled as provided in Section 45.1 of this Part.

19 **SECTION 41.5.** Study. – The Commission shall study the management of  
20 menhaden and Atlantic thread herring, including whether it should be unlawful to take  
21 menhaden or Atlantic thread herring with a purse seine off the shore of Brunswick and  
22 New Hanover Counties during all or part of each year.

23 **SECTION 41.6.** Expenses of Members. – Members of the Commission shall  
24 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1.

25 **SECTION 41.7.** Meeting Place; Staff. – Upon the prior approval of the  
26 Legislative Services Commission, the Commission may meet in the Legislative  
27 Building or the Legislative Office Building. Upon the prior approval of the Legislative  
28 Services Commission, the Legislative Services Officer shall assign professional staff to  
29 the Commission to aid in its work.

30 **SECTION 41.8.** Report. – The Commission shall report its findings and  
31 recommendations, including any legislative proposals, to the 2006 Regular Session of  
32 the 2005 General Assembly, at which time the Commission shall terminate.

33 **SECTION 41.9.** Funding. – From funds appropriated to the General  
34 Assembly, the Legislative Services Commission shall allocate funds for the purpose of  
35 conducting the study provided for in this act.

36  
37 **PART XLII. STUDY OF A RENEWABLE ENERGY PORTFOLIO STANDARD**  
38 **FOR NORTH CAROLINA (Albertson, Kinnaird)**  
39

40 **SECTION 42.1.** The North Carolina Utilities Commission shall engage a  
41 United States Department of Energy-sponsored national energy laboratory, and if  
42 necessary, a qualified consulting firm, to study the costs and benefits of a renewable  
43 energy portfolio standard (RPS) requiring North Carolina's investor-owned utilities to  
44 provide varying percentage scenarios up to fifteen percent (15%) of their retail electric



1 sales from renewable energy and energy efficient resources by 2017. In conducting the  
2 study, the Utilities Commission shall consider how an RPS will complement the  
3 voluntary North Carolina Green Power program and foster the development of a  
4 renewable electricity market in the State. This study shall consider and quantify the  
5 potential impacts of an RPS on the State's economy, electric service provision, and  
6 environmental quality, including:

- 7 (1) Evaluation of in-State renewable energy resources. – An evaluation of  
8 potentially available in-State renewable energy resources, including  
9 solar photovoltaic; metered solar thermal; run-of-the-river hydropower  
10 not to exceed 20 megawatts in electric generation capacity per site;  
11 landfill gas; nonutility combined heat and power; wind power; ocean  
12 current and wave energy; biomass from agricultural wastes, animal  
13 wastes, hog wastes using innovative waste management systems that  
14 do not employ a lagoon as defined in G.S. 143-215.10(a), wood wastes  
15 from industrial processes, nonwoody energy crops, urban wood wastes  
16 and mill residues; and energy efficiency measures that provide  
17 substantial, long-term energy savings to the retail customer as  
18 compared with currently used technology.
- 19 (2) Estimation of potential benefits. – An estimation of the potential  
20 benefits that will contribute to the total cost of implementing an RPS  
21 and indirectly provide economic, social, and environmental benefits to  
22 the State, including employment, additions to Gross State Product and  
23 income; the hedge value to investor-owned utilities, electric  
24 membership cooperatives and municipalities of reduction in natural  
25 gas prices and wholesale electric prices resulting from displacement of  
26 natural gas-fired electric generation by renewable energy generation  
27 and energy efficiency measures; benefits from reduction in energy  
28 losses in transmission and distribution lines, deferral of substation  
29 upgrades, reduction in reactive power loss, and increased reliability of  
30 electric supply; and impacts on CO2 emissions, criteria air pollutant  
31 emissions regulated by the Federal Clean Air Act Amendments of  
32 1990, and water use.
- 33 (3) Estimation of potential costs. – An estimation of potential costs that  
34 will contribute to the total cost of implementing an RPS policy,  
35 including the current and future cost and performance of renewable  
36 energy technologies; electric transmission costs; time differentiation of  
37 renewable energy generation based on potential in-State renewable  
38 energy resources; capacity value, integration and administration and  
39 transaction costs of renewable energy resources; and avoided costs  
40 using a conventional plant proxy, integrated energy model or a  
41 dispatch simulation model based on mix of potential in-State  
42 renewable energy resources.
- 43 (4) Inclusion of incentives and model parameters. – Use of quantified  
44 parameters in economic models for fossil fuel price uncertainty;

1 renewable energy technology costs; federal and State tax credit  
2 availability for renewable energy resources; presence of  
3 interconnection and net metering standards; varying RPS percentage  
4 scenarios ranging up to fifteen percent (15%) of investor-owned utility  
5 retail electric sales; financing and contracting assumptions; availability  
6 of imports; wholesale market uncertainty; resource eligibility; and  
7 growth in energy load.

8 **SECTION 42.2.** In studying the items listed in Section 45.1 of this Part, the  
9 North Carolina Utilities Commission shall, with assistance from the Department of  
10 Commerce, Department of Agriculture, Department of Environment and Natural  
11 Resources, and the State Energy Office, consider the impact of the estimated costs and  
12 benefits of a renewable energy portfolio standard on residential, commercial, and  
13 industrial retail consumers of electricity in the State.

14 **SECTION 42.3.** The Utilities Commission shall submit a final report on its  
15 findings and recommendations pursuant to this study, including any legislative  
16 proposals, to the Environmental Review Commission and the Joint Legislative Utility  
17 Review Committee on or before April 1, 2006.

18  
19 **PART XLIII. CONTINUE TWENTY-FIRST CENTURY REVENUE SYSTEM**  
20 **STUDY COMMISSION (Daughtridge, McGee)**

21  
22 **SECTION 43.** Section 46.7 of S.L. 2004-161 reads as rewritten:

23 "**SECTION 46.7.** Report. – The Commission may make an interim report to the  
24 2005 2006 Regular Session of the 2005 General Assembly not later than its convening,  
25 and must make its final report to the ~~2006 Regular Session of the 2005-2007~~ General  
26 Assembly upon its convening. The Commission shall terminate the earlier of the filing  
27 of its final report or upon the convening of the ~~2006 Regular Session of the 2005 2007~~  
28 General Assembly."

29  
30 **PART XLIV. EDUCATION OF STUDENTS WITH DISABILITIES STUDY**  
31 **COMMISSION (H.B. 1317 – Glazier, Parmon, Preston, Wiley)**

32  
33 **SECTION 44.1.** Commission established. – There is established the Study  
34 Commission on the Education of Students with Disabilities.

35 **SECTION 44.2.** Membership. – The Commission shall consist of 21  
36 members, as follows:

- 37 (1) The General Assembly shall appoint nine members upon the  
38 recommendation of the President Pro Tempore of the Senate, as  
39 follows:
- 40 a. Five members of the Senate;
  - 41 b. One member recommended by the North Carolina School  
42 Boards Association;
  - 43 c. One member recommended by the North Carolina Association  
44 of Educators;

- 1           d.     One member recommended by the North Carolina Council of  
2           Administrators of Special Education; and  
3           e.     One member who is a parent of an exceptional child attending a  
4           North Carolina public school.

5           (2)   The General Assembly, upon the recommendation of the Speaker of  
6           the House of Representatives, shall appoint nine members, as follows:

- 7           a.     Five members of the House of Representatives;  
8           b.     One member recommended by the North Carolina Association  
9           of School Administrators;  
10          c.     One member recommended by the North Carolina Council for  
11          Exceptional Children;  
12          d.     One member from a School of Education of The University of  
13          North Carolina whose area of expertise is exceptional children;  
14          and  
15          e.     One member recommended by The Covenant with North  
16          Carolina's Children.

17          (3)   The Governor shall appoint three members, as follows:

- 18          a.     A representative of the Department of Public Instruction;  
19          b.     The Superintendent of Residential Schools, Department of  
20          Health and Human Services; and  
21          c.     A representative of the Department of Health and Human  
22          Services' birth to three-year-old programs for exceptional  
23          children.

24           **SECTION 44.3.** Duties. – The Commission shall study and recommend  
25           revisions to the General Statutes governing the education of students with disabilities  
26           for the following purposes:

- 27           (1)   To update definitions and requirements to ensure that the public  
28           schools and education programs for students with disabilities are  
29           meeting these students' special needs.  
30           (2)   To provide a consistent statutory maximum age for students with  
31           disabilities entitled to a free appropriate public education.  
32           (3)   To reflect higher education expectations for children with disabilities  
33           and the requirements of the State's school accountability program.  
34           (4)   To ensure that schools and school systems are held accountable for the  
35           educational progress of students with disabilities.  
36           (5)   To determine whether the Department of Public Instruction has  
37           adopted guidelines that have had an unfunded fiscal impact on local  
38           school systems, and if so, how to address this in the future.  
39           (6)   To ensure that the General Statutes are consistent with federal law  
40           governing the education of all children, including exceptional children.

41           **SECTION 44.4.** Reports. – The Commission shall submit an interim report  
42           of its findings and recommendations to the General Assembly not later than the  
43           convening of the 2006 Regular Session of the 2005 General Assembly. The reports shall  
44           also include legislative proposals necessary to implement the Commission's

1 recommendations and an analysis of the fiscal impact of each recommendation. The  
2 Commission shall submit its final report to the 2007 General Assembly upon its  
3 convening. The Commission shall terminate upon the earlier of the filing of its final  
4 report or upon the convening of the 2007 General Assembly.

5 **SECTION 44.5.** Expenses of members. – Members of the Commission shall  
6 be paid per diem, subsistence, and travel expenses, as follows:

7 (1) Commission members who are members of the General Assembly  
8 shall be paid in accordance with G.S. 120-3.1.

9 (2) Commission members who are officials or employees of the State or  
10 local government agencies shall be paid in accordance with  
11 G.S. 138-6.

12 (3) All other Commission members shall be paid in accordance with  
13 G.S. 138-5.

14 **SECTION 44.6.** Cochairs; meetings. – The Speaker of the House of  
15 Representatives shall appoint a cochair, and the President Pro Tempore of the Senate  
16 shall appoint a cochair for the Commission from their respective appointees. The  
17 Commission shall meet upon the call of the chairs. A majority of the Commission  
18 members shall constitute a quorum. The Commission may meet during a regular or  
19 special session of the General Assembly, subject to the approval of the President Pro  
20 Tempore of the Senate and the Speaker of the House of Representatives. The  
21 Legislative Services Commission may provide meeting space to the Commission in the  
22 State Legislative Building or in the Legislative Office Building.

23 **SECTION 44.7.** Staff. – With the prior approval of the Legislative Services  
24 Commission, the Legislative Services Officer shall assign professional staff to assist in  
25 the work of the Commission.

26 **SECTION 44.8.** Cooperation by government agencies. – The Commission,  
27 while in the discharge of its official duties, may exercise all the powers provided under  
28 the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the  
29 power to request all officers, agents, agencies, and departments of the State to provide  
30 any information, data, or documents within their possession, ascertainable from their  
31 records, or otherwise available to them and the power to subpoena witnesses.

32 **SECTION 44.9.** From funds appropriated to the General Assembly, the  
33 Legislative Services Commission shall allocate funds for the expenses of the  
34 Commission established by this Part.

35  
36 **PART XLV. STUDY COMMISSION ON HEALTH CARE WORKFORCE**  
37 **DEVELOPMENT (Tolson, Goforth, Allred, Bell)**

38  
39 **SECTION 45.** Section 34.4 of S.L. 2004-161 reads as rewritten:

40 "**SECTION 34.4.** The Commission shall submit an interim report to the 2005-2006  
41 Regular Session of the 2005 General Assembly that contains its recommendations,  
42 legislative proposals, and cost analyses. The Commission shall make a final report to  
43 the 2006-2007 Regular Session of the 2005 General Assembly and shall terminate upon  
44 the earlier of the filing of its final report or April 30, 2006 report."

1  
2 **PART XLVI. STUDY COMMISSION ON THE ORGANIZATION, POWERS,**  
3 **DUTIES, FUNCTIONS, FUNDING, AND POTENTIAL CONSOLIDATION OR**  
4 **ELIMINATION OF STATE BOARDS, COMMISSIONS, AND COUNCILS**  
5 **(Harrell)**  
6

7 **SECTION 46.1.** There is created the Study Commission on State Boards,  
8 Commissions, and Councils. The Commission shall consist of 28 members as follows:

- 9 (1) 14 members appointed by the President Pro Tempore of the Senate.  
10 (2) 14 members appointed by the Speaker of the House of  
11 Representatives.

12 **SECTION 46.2.** The President Pro Tempore of the Senate shall appoint two  
13 cochairs of the Commission and the Speaker of the House of Representatives shall  
14 appoint two cochairs of the Commission. The Commission may meet at any time upon  
15 the joint call of the cochairs. Vacancies on the Commission shall be filled by the same  
16 appointing authority as made the initial appointment.

17 **SECTION 46.3.** The Commission shall examine the organization, powers,  
18 duties, functions, and funding of State boards, commissions, and councils. The  
19 Commission shall specifically consider the following:

- 20 (1) Whether the boards, commissions, or councils should be eliminated or  
21 consolidated with one or more other boards, commissions, or councils.  
22 (2) Whether the number of members serving on boards, commissions, and  
23 councils or the manner in which members are selected should be  
24 altered.  
25 (3) Whether the number and frequency of meetings of boards,  
26 commissions, and councils should be altered.  
27 (4) The cost of supporting each board, commission, or council, including  
28 salaries, per diem, travel, clerical and administrative support, and other  
29 expenses.  
30 (5) The productivity and effectiveness of the boards, commissions, and  
31 councils.

32 **SECTION 46.4.** The Commission, while in the discharge of its official  
33 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1  
34 through G.S. 120-19.4. The Commission may contract for professional, clerical, or  
35 consultant services as provided by G.S. 120-32.02.

36 **SECTION 46.5.** Subject to the approval of the Legislative Services  
37 Commission, the Commission may meet in the Legislative Building or the Legislative  
38 Office Building. The Legislative Services Commission, through the Legislative Services  
39 Officer, shall assign professional staff to assist the Commission in its work. The House  
40 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical support  
41 staff to the Commission, and the expenses relating to the clerical employees shall be  
42 borne by the Commission. Members of the Commission shall receive subsistence and  
43 travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

1           **SECTION 46.6.** The Commission shall submit a final report of its findings  
2 and recommendations, including any legislative recommendations, to the 2007 General  
3 Assembly upon its convening. The Commission shall terminate upon the convening of  
4 the 2007 General Assembly.

5           **SECTION 46.7.** Of the funds appropriated to the General Assembly, the  
6 Legislative Services Commission shall allocate funds for the expenses of the  
7 Commission established by this Part.

8  
9 **PART XLVII. STUDY COMMISSION ON WORKER RETRAINING (Harrell)**

10  
11           **SECTION 47.1.** There is created the Study Commission on Worker  
12 Retraining. The Commission shall consist of 32 members as follows:

13           (1) 16 members appointed by the President Pro Tempore of the Senate.

14           (2) 16 members appointed by the Speaker of the House of  
15 Representatives.

16           **SECTION 47.2.** At least half of the members appointed to the Commission  
17 by the President Pro Tempore of the Senate and at least half of the members appointed  
18 to the Commission by the Speaker of the House of Representatives shall be persons who  
19 are not members of the General Assembly and who are actively engaged in worker  
20 retraining or welfare reform as either private citizens, administrators of State agencies,  
21 or administrators or faculty at community colleges in the State.

22           **SECTION 47.3.** The President Pro Tempore of the Senate shall appoint two  
23 cochairs of the Commission and the Speaker of the House of Representatives shall  
24 appoint two cochairs of the Commission. The Commission may meet at any time upon  
25 the joint call of the cochairs. Vacancies on the Commission shall be filled by the same  
26 appointing authority as made the initial appointment.

27           **SECTION 47.4.** The Commission shall examine:

28           (1) Business incentives that encourage employers to support efforts by  
29 employees to retrain in order to qualify for higher paying or  
30 nonexportable jobs by allowing employees time off, reimbursing  
31 employees for education expenses, or providing other support.

32           (2) Successful retraining incentive programs in this and other states.

33           **SECTION 47.5.** The Commission, while in the discharge of its official  
34 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1  
35 through G.S. 120-19.4. The Commission may contract for professional, clerical, or  
36 consultant services as provided by G.S. 120-32.02.

37           **SECTION 47.6.** Subject to the approval of the Legislative Services  
38 Commission, the Commission may meet in the Legislative Building or the Legislative  
39 Office Building. The Legislative Services Commission, through the Legislative Services  
40 Officer, shall assign professional staff to assist the Commission in its work. The House  
41 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical support  
42 staff to the Commission, and the expenses relating to the clerical employees shall be  
43 borne by the Commission. Members of the Commission shall receive subsistence and  
44 travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

1           **SECTION 47.7.** The Commission shall submit a final report of its findings  
2 and recommendations, including any legislative recommendations, to the 2007 General  
3 Assembly upon its convening. The Commission shall terminate upon the convening of  
4 the 2007 General Assembly.

5           **SECTION 47.8.** Of the funds appropriated to the General Assembly, the  
6 Legislative Services Commission shall allocate funds for the expenses of the  
7 Commission established by this Part.

8  
9 **PART XLVIII. LOCAL SCHOOL CONSTRUCTION FINANCING STUDY**  
10 **(Yongue)**

11  
12           **SECTION 48.1.** Section 7.32.(b) of S.L. 2004-124 reads as rewritten:

13           **"SECTION 7.32.(b)** Membership. – The Commission shall be composed of ~~20~~19  
14 members, as follows:

- 15           (1) ~~One member appointed by the Governor, after consultation with the~~  
16 ~~President Pro Tempore of the Senate and the Speaker of the House of~~  
17 ~~Representatives, who shall serve as chair;~~  
18           (2) Eight members appointed by the President Pro Tempore of the Senate:  
19 two members of the Senate from urban areas, two members of the  
20 Senate from rural areas, one member representing a large,  
21 fast-growing, urban school administrative unit that is a plaintiff in the  
22 Leandro school-financing litigation, one member from the financial  
23 services industry, one county commissioner, and one educator;  
24           (3) Eight members appointed by the Speaker of the House of  
25 Representatives: two members of the House of Representatives from  
26 urban areas, two members of the House of Representatives from rural  
27 areas, one member representing a rural school administrative unit that  
28 is a plaintiff in the Leandro school-financing litigation, one member  
29 who is knowledgeable about municipal and school finance, one school  
30 board member, and one educator;  
31           (4) The State Treasurer or a designee;  
32           (5) The State Superintendent of Public Instruction or a designee; and  
33           (6) The chair of the State Board of Education.

34           Vacancies shall be filled by the appointing authority. The President Pro  
35 Tempore of the Senate and the Speaker of the House of Representatives shall each  
36 appoint a cochair of the Commission."

37           **SECTION 48.2.** Section 7.32.(i) of S.L. 2004-124 reads as rewritten:

38           **"SECTION 7.32.(i)** Reports. – The Commission shall make ~~an interim report to the~~  
39 ~~2005 General Assembly no later than January 31, 2005, and a final report to the 2006~~  
40 ~~2007 Regular Session of the 2005 General Assembly no later than March 31,~~  
41 ~~2006 Assembly.~~ The final report shall contain recommendations for legislation to  
42 implement recommendations made by the Commission. ~~The interim report may also~~  
43 ~~contain recommendations for legislation.~~ The Commission shall terminate ~~on March 31,~~  
44 ~~2006 upon the filing of its final report."~~

1  
2 **PART XLIX. LEGISLATIVE STUDY COMMISSION ON STATE PERSONNEL**  
3 **STATUTES**

4  
5 **SECTION 49.** Section 5.1 of S.L. 2004-161 reads as rewritten:

6 "SECTION 5.1. The General Assembly may study issues related to the State  
7 Personnel Act. The Speaker of the House of Representatives and the President Pro  
8 Tempore of the Senate shall designate an appropriate committee to conduct the study.  
9 The Committee may make an interim report to the ~~2005-2006~~ General Assembly and  
10 shall make its final report to the ~~2006-Regular Session of the 2005-2007~~ General  
11 Assembly."  
12

13 **PART L. HOUSE STUDY COMMISSION ON CAPITAL PUNISHMENT (H.B.**  
14 **529 – Hackney, Luebke, Cunningham, Earle)**

15  
16 **SECTION 50.1.** There is created a House Study Commission on Capital  
17 Punishment. The Commission shall consist of 15 members appointed by the Speaker of  
18 the House of Representatives.

19 In the course of its study, the Commission shall consult with representatives of victims,  
20 law enforcement, or other interested parties.

21 **SECTION 50.2.** The Commission shall consider and report on:

- 22 (1) The adequacy of counsel in all stages of capital cases and the  
23 sufficiency of guidelines for the appointment and performance of such  
24 counsel appointed prior to the enactment of current guidelines and  
25 qualifications.  
26 (2) The process for judicial review of the merits of constitutional claims in  
27 State postconviction and federal habeas corpus proceedings.  
28 (3) Any disproportionate racial impact from any aspect of capital case  
29 processing.  
30 (4) Whether there is discrimination in capital sentencing on the basis of  
31 the victim's or the defendant's race.  
32 (5) Prosecutorial misconduct as a factor in the imposition of the death  
33 penalty.  
34 (6) The presence of innocent persons on death row.  
35 (7) Whether the felony murder rule should be applied in capital cases.  
36 (8) Any other appropriate or relevant subject.

37 **SECTION 50.3.** The Speaker of the House of Representatives shall appoint  
38 a chair for the Commission. The Commission may meet at any time upon the call of the  
39 chair. Vacancies on the Commission shall be filled by the same appointing authority as  
40 made the initial appointment. Members shall serve at the pleasure of the Speaker of the  
41 House of Representatives.

42 The Commission, while in the discharge of its official duties, may exercise all  
43 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The



1 Commission may contract for professional, clerical, or consultant services as provided  
2 by G.S. 120-32.02.

3 Subject to the approval of the Legislative Services Commission, the  
4 Commission may meet in the Legislative Building or the Legislative Office Building.  
5 The Legislative Services Commission, through the Legislative Services Officer, shall  
6 assign professional staff to assist the Commission in its work. The House of  
7 Representatives' Supervisor of Clerks shall assign clerical support staff to the  
8 Commission, and the expenses relating to the clerical employees shall be borne by the  
9 Commission. Members of the Commission shall receive subsistence and travel expenses  
10 at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

11 **SECTION 50.4.** The Commission shall submit an interim report to the 2007  
12 Regular Session of the General Assembly on the Commission's findings and  
13 recommendations, which may include any statutory changes necessary to implement the  
14 recommendations. The Commission shall make a final report to the 2008 Regular  
15 Session of the 2007 General Assembly and shall terminate upon the earlier of the filing  
16 of its final report or the convening of the 2008 Regular Session of the 2007 General  
17 Assembly.

18 **SECTION 50.5.** Of the funds appropriated to the General Assembly, the  
19 Legislative Services Commission shall allocate funds for the expenses of the  
20 Commission established by this section.

## 21 **PART LI. BILL AND RESOLUTION REFERENCES**

22  
23  
24 **SECTION 51.** The listing of the original bill or resolution in this act is for  
25 reference purposes only and shall not be deemed to have incorporated by reference any  
26 of the substantive provisions contained in the original bill or resolution.

## 27 **PART LII. EFFECTIVE DATE AND APPLICABILITY**

28  
29  
30 **SECTION 52.** Except as otherwise specifically provided, this act is effective  
31 when it becomes law. If a study is authorized both in this act and in the Current  
32 Operations and Capital Improvements Appropriations Act of 2005, the study shall be  
33 implemented in accordance with the Current Operations and Capital Improvements  
34 Appropriations Act of 2005 as ratified.