

May 18, 2004

S 1152. LEGISLATIVE STUDY COMM./GUARDIANSHIP (=H 1409). *TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.* Identical to H 1409, introduced 5/12/04.

Intro. by Swindell, Allran, Dannelly, Moore, Queen.

Ref. to Rules

STUDY, APPROP

July 16, 2004

S 1152. STUDIES ACT OF 2004 (NEW). Intro. 5/18/04. Senate committee substitute makes the following changes to 1st edition.

Legislative Research Commission

The Legis. Research Comm'n is authorized to undertake studies of the following topics:

- (1) Government regulatory issues:
 - a. Fire safety in local confinement facilities
 - b. Regulating ticket brokers
 - c. Light pollution
 - d. Urban cores
 - e. Legislative and Executive branch lobbying
 - f. Alcoholic beverage control
 - g. State fire protection
- (2) Transportation issues:
 - a. Purchasing alternative-fuel or low-emission school buses
 - b. Commercial drivers license requirements and emergency situations
- (3) Consumer issues:
 - a. Debt collection practices
- (4) Insurance issues:
 - a. Workers' compensation/trucking companies
- (5) Criminal law issues:
 - a. Review of sentencing guidelines
 - b. Judicial approval for pleas in certain cases
- (6) State employee issues:
 - a. Pay equity
 - b. Job sharing
 - c. Reemployment of retirees
 - d. Postretirement earnings
- (7) Other:
 - a. Guardianship
 - b. Immigration
 - c. Marine fisheries
 - d. Casino nights for nonprofit organizations
 - e. Soil and water conservation issues
 - f. Trafficking of persons
 - g. Regulation of sellers of timeshares
 - h. Attorney solicitation regulation
- (8) Size/scope of boards and commissions
- (9) Availability of health insurance for small businesses and trade associations
- (10) Availability of health insurance for uninsurable individuals
- (11) Pawnbrokers
- (12) Medicaid funding
- (13) Study VOCATS
- (14) Availability and delivery of government services to hispanics
- (15) Office of state energy
- (16) Comprehensive statewide emergency communications planning

- (17) School calendar/late first instructional day/workdays
- (18) Naturopathy
- (19) Equity-building Homes
- (20) Funding/budgeting of occupational licensing boards
- (21) State-local relationships

For each of the topics the Comm'n decides to study it must make a final report to the 2005 General Assembly.

Joint Legislative Growth Strategies Oversight Committee

Authorizes the Jt. Legis. Growth Strategies Oversight Comm. to study delegation of authority to cities and counties, modernizing city and county planning, and transferable development rights. Extends expiration date of Comm'n to Jan. 16, 2007 (was, Jan. 16, 2005).

Study Commission on Residential and Urban Development Encroachment on Military Bases and Training Areas

Establishes 17-member Comm'n to study residential and urban development encroachment on military bases and training areas, Comm'n to submit a final report to the 2005 General Assembly upon its convening.

Legislative Study Commission on State Personnel

Requires the General Assembly to study issues related to the State Personnel Act, Comm'n to submit a final report to the 2006 Regular Session of the 2005 General Assembly.

Electronic Recordation and Revision of Notary Laws

Requires that the General Statutes Comm'n study electronic recordation, specifically with regard to real property documents and other documents filed with registers of deeds, Comm'n to report to the 2005 General Assembly upon its convening. Further requires the Sec'y of State to study amending the notary public laws in order to modernize and simplify their administration and electronic notarization, Sec'y to report to the 2005 General Assembly upon its convening.

Uniform Unincorporated Nonprofit Association Act

Directs the General Statutes Comm'n to study the Uniform Unincorporated Nonprofit Association Act in consultation with interested parties and to report to the 2005 General Assembly.

Innovative Peat-Based Wastewater Systems Study

Requires that the Comm'n for Health Services evaluate the desirability and feasibility of implementing a pilot program for any individual seeking to use an innovative wastewater system that uses peat-based technology at the individual's residence that complies with specified standards and identify two or more counties that would participate in the pilot program. Comm'n shall report the results of its evaluation to the Senate and House of Representatives Appropriations Subcommittees on Natural and Economic Resources, the Fiscal Research Division, and the Environmental Review Commission on or before Jan. 15, 2005.

Joint Legislative Utility Review Committee

Authorizes the Jt. Legis. Utility Review Comm. to study the economic, environmental, and social issues associated with the development and use of renewable and alternative energy in the state.

North Carolina Building Code Council Study

Requires that the North Carolina Building Code Council study the Residential Building Code to determine which provisions, if any, are unnecessary, outdated, overly stringent, or otherwise unduly increase the cost of housing. Authorizes Council to submit its report to the 2005 General Assembly upon its convening.

Local School Construction Financing Study Commission

Establishes 18-member Local School Construction Financing Study Comm'n and requires that Comm'n examine the present system of local financing for school facilities and alternative options for financing local school construction, renovation, repair, and maintenance. Comm'n shall submit final report to General Assembly no later than March 31, 2006.

Voter Paper Trail Study

Establishes a nine-member Electronic Voting Systems Study Comm'n to study whether direct record electronic (DRE) voting systems should be prohibited in North Carolina unless each unit of the system produces a voter-verifiable paper record that is suitable for a recount or a manual audit and that is equivalent or superior to the paper record produced by a paper ballot system. Comm'n shall submit final report to the 2005 General Assembly upon its convening.

Joint Legislative Education Oversight Committee Studies

The Jt. Legis. Education Oversight Comm. is authorized to undertake studies of the following topics and report its findings to the 2005 General Assembly upon its convening:

- (1) Teacher assistant salary schedule
- (2) Rural schools
- (3) Physical restraints/seclusion in schools
- (4) High school graduation rate incentives
- (5) At-risk students single funding stream
- (6) Close achievement gap
- (7) E-textbooks for students
- (8) Attracting teachers to become coaches
- (9) Kindergarten admission requirements
- (10) Update the job description for school counselors
- (11) Testing reform
- (12) Total teacher program
- (13) School construction
- (14) Computer-based math and literacy programs for children under age 6
- (15) Appropriate education for students on long-term suspension
- (16) School nutrition/physical activity

Revenue Laws Study Committee

The Revenue Laws Study Comm. is authorized to undertake studies of the following topics and report its findings to the 2005 General Assembly upon its convening:

- (1) Valuation of lots in subdivisions
- (2) Private activity bonds
- (3) Conform bank expense deduction
- (4) Subsidiary dividend taxes
- (5) Income tax derived from manufacturing
- (6) Tax foreclosures
- (7) Comparative tax burden
- (8) Tax incentives to promote preservation of open spaces
- (9) Sales and use tax exemption
- (10) Tax preferences
- (11) Reduce utility equipment sales tax
- (12) Business taxation
- (13) Tax credits for certain real property donations

(14) Travel and tourism capital investment

Joint Legislative Health Care Oversight Committee

The Jt. Legis. Health Care Oversight Comm. is authorized to undertake studies of the following topics and report its findings to the 2005 General Assembly upon its convening:

- (1) Benefits for state employee dependents
- (2) Consolidation of state health care services

Study of Various Ways to Promote Government Efficiency and Saving in State Spending

Authorizes UNC (through the Office of the President), the Judicial Branch (through the Administrative Office of the Courts), the Executive Branch (through the Dep't of Administration), the Legislative Branch (through the Legis. Services Office), the Community College System (through the President's Office), and the Dep't of Public Instruction to jointly study various ways to promote government efficiency and savings on state spending, including the following proposals:

- (1) Consolidate administrative functions
- (2) Statewide benefit committee established
- (3) DMV-NCDL/registration extensions
- (4) Combine state safety programs
- (5) Increase use of public defenders
- (6) Controller's fee
- (7) Deferred retirement option program

Requires that the Dep't of Administration report the results of this study to the Legislative Research Commission by Jan. 15, 2005.

Joint Legislative Transportation Oversight Committee Studies

Authorizes the Jt. Legis. Health Care Oversight Comm. to undertake studies of the following topics and report its findings to the 2005 General Assembly upon its convening:

- (1) I-95 Tolls
- (2) Alternative fuels
- (3) Comprehensive transportation issues

Study Financing of Mental Health, Developmental Disabilities, and Substance Abuse Services

Requires that DHHS study the financing of mental health, developmental disabilities, and substance abuse services, including funding sources and alternative financing mechanisms, and report its findings and recommendations to the Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division no later than July 1, 2005.

Environmental Review Commission Studies

Authorizes the Environmental Review Comm'n to undertake studies of the following topics and report its findings to the 2005 General Assembly upon its convening:

- (1) Effectiveness of environmental programs
- (2) Plan to share floodplain mapping information
- (3) Water restriction guidelines
- (4) Regional water supplies
- (5) Clean air trust fund
- (6) Fair bargain act
- (7) Deterrents to stormwater runoff
- (8) Protecting property owners adjacent to activities for which a stormwater permit is issued
- (9) Highway use tax based on efficiency/vehicle registration based on vehicle miles traveled
- (10) State parks and recreations areas
- (11) Stormwater issues

Highway Trust Fund Study Committee Extended

Amends Sec. 20.1 of S.L. 2003-284 to extend deadline for final report to Jan. 31, 2005 (was, Nov. 1, 2004).

Department of Administration Study

Authorizes the Dep't of Administration to study retainage from payment on public construction projects and report the results of its study to the 2005 General Assembly upon its convening.

UNC Board of Governors Study Commission

Creates a 10-member UNC Board of Governors Study Comm'n, Comm'n to study the method of election or appointment of members of the Board of Governors, the length of members' terms, the number of terms a member may serve, and the size of the Board of Governors. As part of the study, the Commission may examine the governing boards of other states' institutions of higher education. Requires that Comm'n report its findings and any recommendations to the 2005 Regular Session of the General Assembly.

North Carolina Study Commission on Aging

Authorizes the NC Study Comm'n on Aging to undertake studies of the following topics and report its findings to the 2005 General Assembly upon its convening:

- (1) Long-term care remediation
- (2) Mentally ill long-term care residents

Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services Studies

Authorizes the Jt. Legis. Oversight Comm. on Mental Health, Developmental Disabilities, and Substance Abuse Services Studies to undertake studies of the following topics and report its findings to the 2005 General Assembly upon its convening:

- (1) Integration of care for children with multiple system service needs
- (2) Mental health in prisons

Joint Legislative Commission on Seafood and Aquaculture Study

Authorizes the Jt. Legis. Comm'n on Seafood and Aquaculture to study whether it should be unlawful to take shrimp with trawl nets in certain inland waters and may report its findings to the 2005 General Assembly upon its convening.

Administrative Office of the Courts/Department of Correction Study

Authorizes the Administrative Office of the Courts and the Dep't of Correction to jointly study the processes for the collection and payment of restitution in this state and identify methods for reducing the number of unclaimed restitution payments, and report their findings to the 2005 General Assembly upon its convening.

Marine Fisheries Commission Study of Shellfish Cultivation Leases

Authorizes the Marine Fisheries Comm'n to study the following topics and report its findings to the Jt. Legis. Comm'n on Seafood and Aquaculture no later than Dec. 1, 2004:

- (1) Shellfish Cultivation Lease Extensions
- (2) Corporate Ownership of Shellfish Cultivation Leases

Office of State Budget and Management Study

Authorizes the Office of State Budget and Management to conduct an analysis of the structure and operation of the Dep't of Public Instruction and report its analysis to the Jt. Legis. Education Oversight Comm. by Jan. 15, 2005.

UNC Board of Governors Study Feasibility of Forgiveness of Student Debt Program

Authorizes the UNC Board of Governors, in conjunction with the NC State Education Assistance Authority to study the feasibility of a program that would forgive student indebtedness for teachers who have continuing certification in and are teaching in the disciplines of mathematics, science, or special education, and report its findings to the Joint Legislative Education Oversight Committee by Jan. 15, 2005.

State Board Teacher Retention Task Force

Requires that the State Board of Education form a Task Force to study issues related to effective recruitment and retention of teachers for the North Carolina public schools and report its findings and recommendations to the Jt. Legis. Education Oversight Comm. prior to Feb. 15, 2005.

Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee

Authorizes the Jt. Legis. Corrections, Crime Control, and Juvenile Justice Oversight Comm. to study the confinement of inmates who are irreversibly physically incapacitated due to chronic illness or disability and report its findings no later than the convening of the 2005 General Assembly.

Agriculture and Forestry Awareness Study Commission Studies

Authorizes the Agriculture and Forestry Awareness Study Comm'n to study the following topics and report its findings to the 2005 General Assembly upon its convening:

- (1) Agriculture commodity incentives
- (2) Food safety and security
- (3) Dairy industry

Committee on Employee Hospital and Medical Benefits Study Newborn Coverage

Authorizes the Comm. on Employee Hospital and Medical Benefits to study issues pertaining to newborn benefits and adjusting deductibles and co-payments according to member's income under the Teachers' and State Employees' Comprehensive Major Medical Plan ("Plan").

Hurricane Evacuation Standards Study Commission

Establishes six-member Hurricane Evacuation Standards Study Comm'n to study the development and establishment of hurricane evacuation standards for the state, Comm'n to report its findings to the Governor and the Jt. Legis. Transportation Oversight Comm. of the General Assembly by Jan. 15, 2005.

Joint Legislative Oversight Comm. on Information Technology

Enacts new GS 120-261 establishing the 16-member Jt. Legis. Oversight Comm. on Information Technology and requires the Comm. to examine, on a continuing basis, systemwide issues affecting state government information technology, including, but not limited to, state information technology operations, infrastructure, development, financing, administration, and service delivery. Requires that Comm. submit annual reports to the General Assembly on or before the convening of the regular session of the General Assembly each year. Repeals Ch. 120, Art. 26.

Stream Mapping

Requires that the Geographic Information Coordinating Council and the Dep't of Environment and Natural Resources develop and recommend a plan to improve the mapping and digital representation of surface waters in North Carolina, including intermittent and perennial streams, lakes, and ponds, to the General Assembly and the Environmental Review Comm'n on Jan. 15, 2005.

Study Commission on Health Care Workforce Development

Creates the 17-member Health Care Workforce Study Comm'n to study methods to increase the number of people providing health and dental care in this state and to overcome

existing barriers contributing to the health care providers shortages, Comm'n to submit a final report to the 2006 Regular Session of the 2005 General Assembly.

Smart Start Funding

Establishes a 21-member Smart Start Funding Study Comm'n. to study the funding of the North Carolina Partnership for Children, Inc., Comm'n to submit its final report to the 2005 General Assembly.

Joint Legislative Healthcare Oversight Committee

Authorizes the Jt. Legis. Health Care Oversight Comm. to study the following:

- (1) Nursing shortage
- (2) Medical errors
- (3) Environmental causes of cancer
- (4) Educating the public on ovarian cancer risks and prevention
- (5) Reducing prescription drug costs
- (6) Bulk purchasing of pharmaceutical drugs
- (7) Internet sale of prescription drugs
- (8) Pain management and palliative care
- (9) Care of the mentally ill in long-term care facilities

Child Welfare System Reform

Requires that DHHS transfer funds to the General Assembly to hire an independent consultant to evaluate North Carolina's Child Welfare System at the state and local levels and provide recommendations to reform that system and that the Fiscal Research Div'n, issue a request for proposal (RFP) for an independent consultant with extensive experience in child welfare systems to develop recommendations for reforming the state's existing system. The final report from the consultant shall be presented to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Comm. on Health and Human Services, and the Fiscal Research Div'n no later than Oct. 1, 2005.

July 16, 2004

S 1152. STUDIES ACT OF 2004. Intro. 5/18/04. Senate amendment adopted 7/16/04 makes the following changes to 2nd edition. Increases membership of Health Care Workforce Study Comm'n to 19 (was, 17). Makes technical changes.

July 18, 2004

S 1152. STUDIES ACT OF 2004. Intro. 4/18/04. House committee substitute makes the following changes to 3rd edition. Adds several topics that Legislative Research Comm'n, legislative oversight committees, and commissions may study. Deletes several areas of possible study. Adds new Art. 30, GS Ch. 120, creating sixteen-member Joint Legislative Oversight Committee on Information Technology. Directs the Office of State Personnel to conduct a reclassification study of all sworn law enforcement officers in the Div'n of Parks and Recreations of DEHR. Directs NC Sentencing and Policy Advisory Comm'n to study the NC structured sentencing act. Creates study commissions on guardianship laws, financing infrastructure for industrial corridors, the state's revenue system, economic development Infrastructure, worker retraining, and Medicaid reform.

July 18, 2004

S 1152. STUDIES ACT OF 2004. Intro. 5/18/04. House amendment makes the following changes to 4th edition. Adds back study of school calendar that was deleted in 3rd edition. Deletes Dep't of Transportation and Dep't of State Treasurer joint study of financing for Wilmington Bypass project. Also deletes study commission on financing infrastructure for industrial corridors, which was to examine development of Highway 421 Industrial Corridor in Pender and New Hanover Counties.

S 1152. STUDIES ACT OF 2004. Intro. 5/18/04. Conference report recommends the following changes to 4th edition as amended. Adds new section amending Sec. 31.18A(g) of H 1414

(budget bill) to require any charter school participating in Teachers' and State Employees' Retirement System to pay appropriate contribution and to report on its payments to Retirement Systems Div'n.

August 6, 2004

SL 2004-161 (S 1152). STUDIES ACT OF 2004. AN ACT CONCERNING STUDIES AND OTHER PURPOSES. Summarized in *Daily Bulletin* 7/16/04 and 7/18/04. Enacted August 2, 2004. Effective August 2, 2004, except as otherwise provided. If a study is authorized both in this act and in the Appropriations Act, the study shall be implemented in accordance with the Appropriations Act as ratified.