

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 900
Judiciary I Committee Substitute Adopted 5/13/09
House Committee Substitute Favorable 6/18/09
House Committee Substitute #2 Favorable 7/1/10
PROPOSED HOUSE COMMITTEE SUBSTITUTE S900-PCS85389-RW-97

Short Title: Studies Act of 2010.

(Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH
3 COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS,
4 AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.

5 The General Assembly of North Carolina enacts:

6 **PART I. TITLE**

7 **SECTION 1.** This act may be known as "The Studies Act of 2010."
8

9 **PART II. LEGISLATIVE RESEARCH COMMISSION**

10 **SECTION 2.1.** The Legislative Research Commission may study the topics listed
11 below. When applicable, the bill or resolution that originally proposed the issue or study and
12 the name of the sponsor are listed. Unless otherwise specified, the listed bill or resolution refers
13 to the measure introduced in the 2009 or 2010 session of the 2009 General Assembly. The
14 Commission may consider the original bill or resolution in determining the nature, scope, and
15 aspects of the study

16 **SECTION 2.2.** Allowing State Personnel Commission to Transfer Annual and Sick
17 Leave From a city or County (S.B. 1386 – East) – The Commission may study the issue of
18 allowing the State Personnel Commission to transfer an employee's accrued annual and sick
19 leave from a city or county, and allowing such transfers for employees shifting employment
20 between units of local government. In conducting the study, the Commission may consider the
21 fiscal impact of allowing the transfers, including any impact on the Teachers' and State
22 Employees' Retirement System and Local Governmental Employees' Retirement System.

23 **SECTION 2.3.** Consolidation of State Agencies and Departments (S.B. 1427 –
24 Brock) – The Commission may study issues relating to whether some State agencies and
25 departments can be consolidated to achieve increased efficiency and cost savings.

26 **SECTION 2.4.** Flexibility for Certified Nurse Midwives (S.B. 940 – Davis) – The
27 Commission is authorized to study whether certified nurse midwives should be given more
28 flexibility in the practice of midwifery. In conducting the study, the Commission may consider
29 whether a certified nurse midwife should be allowed to practice midwifery in collaboration
30 with, rather than under the supervision of, a physician licensed to practice medicine under



1 Article 1 of Chapter 90 of the General Statutes who is actively engaged in the practice of
2 obstetrics.

3 **SECTION 2.5.** Televising House of Representatives and Senate Sessions (Stevens,
4 McKissick) – The Commission may study the feasibility of televising all House of
5 Representatives and Senate sessions and, in conducting the study, may appoint an advisory
6 committee composed of members of the Legislative Services Commission, other legislators,
7 and members of the public. The study may also include the feasibility of streaming video
8 content over the Internet. The study may include various options for handling the project,
9 including the UNC Center for Public Television and the Agency for Public
10 Telecommunications. The study may examine newer technologies for more cost-efficient
11 means of handling the broadcasts.

12 **SECTION 2.6. Reserved.**

13 **SECTION 2.7. Reserved.**

14 **SECTION 2.8.** Efficient E-Commerce in State Government (S.B. 1425 – Brock) –
15 The Commission may:

- 16 (1) Review the current payments and collections made by the State that have the
17 greatest potential to benefit from increased automation.
- 18 (2) Examine best practices in the use of electronic funds transfers and direct
19 depositing for State government financial transactions.
- 20 (3) Identify goals and objectives for a coordinated State program to make State
21 government e-commerce more effective and cost-efficient through
22 paperwork reduction and lower transaction and personnel costs.
- 23 (4) Consider any other matters related to improving State government
24 e-commerce and lower the cost of financial transactions.

25 **SECTION 2.9.** Fur-Bearer and Fox Management (Faison) – The Commission may
26 study the effectiveness of the North Carolina Wildlife Resources Commission's implementation
27 of G.S. 113-291.4(e). The Commission may solicit input from interested parties, including
28 hunters, trappers, public health authorities, local governments, the North Carolina Department
29 of Agriculture and Consumer Services, and private landowners.

30 **SECTION 2.10.** Pre-Eschat Procedures (Stein) – The Commission may study the
31 need for statutory changes to the law governing location of the legitimate owner of unclaimed
32 property prior to the assumption of the abandonment of the property by the State Treasurer, and
33 to permit a person holding unclaimed property to recover a reasonable charge for complying
34 with the good faith effort requirement of G.S. 116B-59.

35 **SECTION 2.11.** Changing Demographics in the State Community College and
36 University Systems (S.B. 1457 – Allran) – The Commission may study issues relating to the
37 changing demographics in the State's community college and university systems. The
38 Commission may consider how, over the last decade, the populations attending the State's
39 community colleges and universities have changed with regard to all of the following:

- 40 (1) Age.
- 41 (2) Reasons for attendance.
- 42 (3) Students enrolling who have prior educational experience.
- 43 (4) Students enrolling through college transfer programs from community
44 colleges.
- 45 (5) Any other issue the Commission deems relevant to the study.

46 **SECTION 2.12.** Ownerless Dogs and Cats, Commercial Dog Breeding (S.B. 1332
47 – McKissick, Jones; S.B. 460 – Davis; H.B. 208 – Harrison, Wray, Cotham, Carney) – The
48 Commission may study issues related to ownerless dogs and cats, and the State's role in
49 ensuring the humane treatment of dogs and cats by breeders, shelters, and other facilities that
50 house dogs and cats.

1 **SECTION 2.13.** Use of Military Veteran Contractors (H.B. 912 – Killian) – The
2 Commission may study methods to encourage State and local government to use military
3 veteran contractors.

4 **SECTION 2.14.** Requiring Long-Term Care Facilities to Carry Liability Insurance
5 (H.J.R. 1768 – Harrison, Insko, Jeffus) – The Commission may study whether long-term care
6 facilities should be required to carry liability insurance. In conducting the study, the
7 Commission should consider:

- 8 (1) Whether the laws of this State adequately protect the ability of residents of
9 long-term care facilities who are harmed by a wrongful act of the facility
10 from receiving just compensation because of bankruptcy or other actions by
11 the facility's owners to unjustly shield personal or business assets.
- 12 (2) Whether as a condition of licensure, long-term care facilities should carry
13 liability insurance.
- 14 (3) Whether other states require long-term care facilities to carry liability
15 insurance as a requirement for licensure.

16 **SECTION 2.15.** Insurance Coverage Options for Fresh Produce Growers (Wray) –
17 The Commission may study the issue of adequate insurance coverage options for fresh produce
18 growers.

19 **SECTION 2.16.** Use of "Most Favored Nation" Clauses (H.B. 2004 – Insko) – The
20 Committee may study the use of "Most Favored Nation" (MFN) clauses in contracts. In
21 conducting the study, the Committee should consider:

- 22 (1) The extent to which MFN clauses are included in contracts in our State, and
23 in the nation as a whole.
- 24 (2) The most common forms and elements of MFN clauses included in
25 contracts.
- 26 (3) The effect of inclusion of MFN clauses in contracts.
- 27 (4) The effect that prohibiting the use of MFN clauses in contracts has had in
28 those states that have prohibited their use.
- 29 (5) Any other issue relating to the use or prohibition of MFN clauses in
30 contracts that the Committee deems appropriate.

31 **SECTION 2.17.** Regulation of Beauty Pageants for Youth Under Thirteen Years of
32 Age (H.B. 1348 – Mobley) – The Commission may study the regulation of beauty pageants for
33 youth under 13 years of age in North Carolina.

34 **SECTION 2.18.** State Boards and Commissions – The Commission may study
35 consolidation or elimination of State Boards and Commissions.

36 37 **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE** 38 **STUDIES**

39 **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may study
40 the topics listed in this Part and report its findings, together with any recommended legislation,
41 to the 2011 Regular Session of the General Assembly upon its convening.

42 **SECTION 3.2.** State Diabetes Coordinator (England) – The Committee may study
43 the issue of the feasibility of establishing a State Diabetes Coordinator as a way to help address
44 the growing epidemic of diabetes in the State. The coordinator could be charged to advise ways
45 to save lives, improve the quality of life, and save money for taxpayers and patients by
46 reducing the rates of diabetes and its complications.

47 **SECTION 3.3.** Review of Collaborative Project for Reducing Medical Malpractice
48 Claims (Glazier) – The Committee may review the collaborative project for reducing medical
49 malpractice costs and claims.

50 **SECTION 3.4.** Monitor Impact of Revised Requirements for Personal Care
51 Services (Adams) – The Committee may study and monitor the impact that the revised

1 eligibility requirements for Personal Care Services has on seniors and disabled citizens,
2 including the number of persons who are refused services and the reasons therefore and the
3 time frame between request for services and the initiation of services.
4

5 **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE** 6 **STUDIES**

7 **SECTION 4.1.** The Joint Legislative Transportation Oversight Committee may
8 study the topics listed in this Part and report its findings, together with any recommended
9 legislation, to the 2011 Regular Session of the General Assembly upon its convening.

10 **SECTION 4.2.** Untitled Vehicles Removed and Sold for Scrap (Gibson) – The
11 Committee, in consultation with the Division of Motor Vehicles, may study the issue of the
12 untitled vehicles being removed and sold for scrap without sufficient notice to the owner.

13 **SECTION 4.3.** Welcome Centers and Visitor Centers (H.B. 2046 – Tucker, Cole)
14 – The Committee, in consultation with the Department of Transportation and the Department of
15 Commerce, may study issues related to the location, funding, construction, maintenance, and
16 operation of visitor centers and welcome centers in the State.

17 **SECTION 4.4.** Debt Agreements (H.B. 1800 – Crawford) – The Committee, as a
18 part of the study authorized under Section 28.7(e) of Senate Bill 897, may study the issue of the
19 appropriate scope of the power of the Department of Transportation to enter into debt and
20 debt-like agreements pursuant to G.S. 136-18(39).

21 **SECTION 4.5.** Street Construction/Developer Responsibility (S.B. 761 – Brown,
22 Cole) – The Committee may study whether to limit the responsibility of developers for the cost
23 of street or highway construction to the amount necessary to serve the projected traffic
24 generated by a development.
25

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

27 **SECTION 5.1.** The Joint Legislative Education Oversight Committee may study
28 the topics listed in this Part and report its findings, together with any recommended legislation,
29 to the 2011 Regular Session of the General Assembly upon its convening.

30 **SECTION 5.2.** Virtual School of Engineering (Shaw) – The Committee may study
31 the feasibility of establishing a Virtual School of Engineering. The purpose of the study is to
32 determine the cost and feasibility of developing and maintaining a Virtual School of
33 Engineering, including the effectiveness of linking the constituent institutions to the established
34 UNC Schools of Engineering by offering engineering classes through satellite and online
35 courses, whether an engineering curriculum lends itself to such a model, and any other related
36 issues deemed relevant by the Committee.

37 **SECTION 5.3.** Graduation Disparity (S.B. 1417 – Graham) – The Committee may
38 examine each of the following:

- 39 (1) Minority graduation statistics.
- 40 (2) National best practices for educating minority students.
- 41 (3) Current statewide efforts to increase high school retention of minority
42 students.
- 43 (4) Teaching methodologies specifically designed for minority students.
- 44 (5) Existing technical and career curriculum.
- 45 (6) Innovative practices or solutions that have demonstrated success in other
46 states.

47 The Committee may develop a comprehensive statewide plan and recommendations for
48 increasing the number of minority individuals who complete high school.

49 **SECTION 5.4.** Maximum Age for Enrollment in Public Schools (H.J.R. 1948 –
50 Fisher, Gill, Yongue, Farmer-Butterfield) – The Committee may study whether the maximum
51 initial age for enrollment in the public schools shall be lowered from age seven to age six.

1
2 **PART VI. ENVIRONMENTAL REVIEW COMMISSION STUDIES**

3 **SECTION 6.1.** The Environmental Review Commission may study the topics
4 listed in this Part and report its findings, together with any recommended legislation, to the
5 2011 Regular Session of the General Assembly upon its convening.

6 **SECTION 6.2.** Impact of Environmental Toxins on Human Health (S.B. 1416 –
7 Bingham; H.B. 2015 – Harrison, Glazier, Fisher, Insko) – The Commission may study the
8 impact of environmental toxins on human health and report its findings and recommendations,
9 including any proposals for legislation or administrative action, to the General Assembly no
10 later than the convening of the 2012 Session of the 2011 General Assembly. The findings and
11 recommendations may include all of the following:

- 12 (1) A survey of legislation in other states that ban toxins and chemicals, along
13 with an assessment of the effectiveness of the legislation.
14 (2) A survey of how other states have set up entities within state government to
15 review and regulate toxins and chemicals that have or will be introduced into
16 the stream of commerce.
17 (3) A review of incentives proposed or enacted in other states to promote the
18 growth of the green chemistry sector, including a special analysis of
19 documented environmental, public health, and economic benefits, including
20 job creation, within the states.

21 **SECTION 6.3.** Water Quality Cost Share (S.B. 1385 – McKissick) – The
22 Commission may study the costs and benefits of improving water quality in reservoirs, rivers,
23 and other water resources shared by local governments. In its study the Commission may
24 consider the water quality issues for local governments located both upstream and downstream
25 from water resources, the wastewater treatment standards that local governments both upstream
26 and downstream must meet, the cost of complying with water quality and wastewater treatment
27 standards, and the benefits received by local governments by complying with those standards.
28 The Commission may also consider possible alternatives to the current rate structure, treatment
29 programs, and technology used by the State and local governments with regard to water quality
30 and wastewater treatment. The Commission may also consider any other issue that it deems
31 relevant to this study.

32 **SECTION 6.4.** Oil and Gas Exploration in the Triassic Basin (Gibson, Love) – The
33 Committee may study the issue of oil and gas exploration in the Triassic Basin.

34 **SECTION 6.5.** Issues Related to the Use and Storage of Reclaimed Water (H.B.
35 643 – Tucker) – The Commission, in consultation with the Department of Environment and
36 Natural Resources, may study issues related to the use and storage of reclaimed water. In its
37 study, the Commission may examine the following issues:

- 38 (1) The feasibility and desirability of implementation of reclaimed water
39 programs by municipal wastewater treatment facilities for nonconsumptive
40 indoor use and outdoor use. The Commission may consider any of the
41 following factors:
42 a. The implementation and efficacy of reclaimed water policies,
43 programs, ordinances, standards, rules, and regulations established in
44 other states, municipalities, and countries.
45 b. Minimum effluent standards for reclaimed water sufficient to address
46 any public health, safety, or environmental risks that may be caused
47 by use of or contact with reclaimed water.
48 c. Potential uses for reclaimed water for nonconsumptive indoor use
49 including, but not limited to: toilet flushing, fire protection, and
50 decorative water features.

- 1 d. Potential uses for reclaimed water for outdoor use including, but not
2 limited to: commercial and residential landscaping, lawn irrigation,
3 agricultural irrigation; wetland and stream augmentation; and
4 planned direct or indirect potable reuse.
- 5 (2) The feasibility and desirability of storage of reclaimed water in aquifers by
6 municipal wastewater treatment facilities. The Commission may consider
7 any of the following factors:
- 8 a. Whether the current practice of land application of wastewater by
9 municipal wastewater treatment facilities requires too much land to
10 be practicable in the long term.
- 11 b. Whether the current practice of land application of wastewater by
12 municipal wastewater treatment facilities is better suited to certain
13 parts of the State or to areas of certain geological or topographical
14 conditions.
- 15 c. Whether there are any alternative methods of disposing of
16 wastewater by municipal wastewater treatment system facilities and
17 the costs and benefits of employing any such alternative methods
18 either on a statewide basis or in any specific area of the State.
- 19 (3) Whether reclaimed water can be safely stored in and recovered from
20 aquifers. The Commission may consider any of the following factors:
- 21 a. The benefits and costs of using reclaimed water in aquifers for use as
22 a barrier to saltwater intrusion.
- 23 b. Whether current federal or State laws, including the Underground
24 Injection Control Program of the federal Safe Drinking Water Act
25 and current regional or watershed-based water management
26 strategies, apply to aquifer storage and recovery in North Carolina
27 and are sufficient to address any public health, safety, or
28 environmental risks that may be caused by aquifer storage and
29 recovery.
- 30 c. Regulations necessary to assure the protection of public health,
31 safety, and the environment if storage of reclaimed water in aquifers
32 is determined to be in the best interest of the State.
- 33 d. Any other topics the Commission deems appropriate to assure that
34 aquifer storage and recovery systems will not be a detriment to
35 public health, safety, or the environment.
- 36 (4) Such other matters as the Commission deems appropriate in the conduct of
37 this study.

38 **SECTION 6.6.** Reserved.

39 **SECTION 6.7.** Gas Leases in the Central Shale Belt (Gibson, Love) – The
40 Commission may study the issue of gas leases in the central shale belt, located in the Chatham
41 and Moore County area.

42 **SECTION 6.8.** Carbon Sequestration Potential of Natural and Working
43 Landscapes and Other Carbon Offset Opportunities (S.B. 1220 – Stein, Albertson; H.B. 1809 –
44 Harrison, Underhill, Wilkins) – The Commission may study the carbon sequestration potential
45 of natural and working landscapes in the State and the feasibility and advisability of
46 establishing a carbon offset program.

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

48 **SECTION 7.1.** The Revenue Laws Study Committee may study the topics listed in
49 this Part and report its findings, together with any recommended legislation, to the 2011
50 Regular Session of the General Assembly upon its convening.
51

SECTION 7.2. Reserved.

SECTION 7.3. Ticket Resale (Gibson) – The Committee may study issues related to ticket resale, including the need for consumer protections in the primary market for event ticket sales; transparency of ticket distribution by artists, promoters, and their agents; freedom of transferability for tickets purchased by consumers; and open interoperability of ticket sale and resale market systems.

PART VIII. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE STUDIES

SECTION 8.1. The Joint Legislative Utility Review Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2011 Regular Session of the General Assembly upon its convening.

SECTION 8.2. Gas Leases in the Central Shale Belt (Gibson, Love) – The Committee may study the issue of gas leases in the central shale belt, located in the Chatham and Moore County area.

PART IX. JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE STUDIES

SECTION 9.1. Operation of the Child Nutrition Program (S.B. 1152 – Purcell, Dannelly, Davis, Preston, Tillman, Walters; H.B. 1777 – Yongue, Brown, Insko, Parfitt) – The Joint Legislative Program Evaluation Oversight Committee may include in the 2010 Work Plan for the Program Evaluation Division of the General Assembly a study of the operation of the Child Nutrition Program. The Division may examine (i) the guidelines for assessing indirect costs to local child nutrition programs in local school administrative units and (ii) the financial impact upon local child nutrition programs and local school administrative units of a policy prohibiting the assessment of indirect costs to a child nutrition program until that program has achieved and sustained a three-month operating balance.

SECTION 9.2. Chapter 150B Contested Cases (S.B. 1305 – Nesbitt; H.B. 1892 – Insko, Braxton, Justus) – The Joint Legislative Program Evaluation Oversight Committee may include in the 2010 Work Plan for the Program Evaluation Division of the General Assembly a study of Chapter 150B contested cases. The Division may study the number of decisions rendered by administrative law judges that are overturned as a final agency decision. For these cases the Division may evaluate the nature of the case, the basis of the reversal, the number of cases appealed to superior court, and the results of those appeals.

PART X. JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE STUDIES

SECTION 10.1. The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2011 Regular Session of the General Assembly upon its convening.

SECTION 10.2. Unsecured Bonds (Love) – The Committee may study the factors used in determining the release of defendants with unsecured bonds; the frequency of using unsecured bonds for the release of defendants; the failure to appear rates under unsecured bonds, when a failure to appear has occurred; the amount of time it takes and the entity most likely to apprehend the defendant after the bond is forfeited; and the likelihood of converting forfeiture or judgment to revenue.

PART XI. JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO STUDY IMPACT OF EXEMPTING WILDLIFE RESOURCES COMMISSION AND MARINE FISHERIES COMMISSION FROM THE LEGISLATIVE DISAPPROVAL PROCESS

1 **SECTION 11.1.** The Joint Legislative Administrative Procedure Oversight
2 Committee may study the impact of exempting the Wildlife Resources Commission and the
3 Marine Fisheries Commission from the legislative disapproval process under the
4 Administrative Procedure Act. In conducting the study, the Committee may consider the
5 number of bills to disapprove rules adopted by either of the two Commissions that have been
6 introduced since 2003, the effect of the delayed effective dates on the enforcement capabilities
7 of the two Commissions, and alternatives available to the public for objecting to rules adopted
8 by either of the two Commissions. The Joint Legislative Administrative Procedure Oversight
9 Committee may report its findings and recommendations to the 2011 General Assembly.

10
11 **PART XII. Reserved.**

12
13 **PART XIII. STATE BOARD OF EDUCATION TO STUDY ISSUES RELATED TO**
14 **SPORTS INJURIES AT MIDDLE SCHOOL AND HIGH SCHOOL LEVELS (H.B. 1837**
15 **– Cotham, Fisher, Glazier, Rapp)**

16 **SECTION 13.1.** The State Board of Education shall study issues relating to sports
17 injuries for all sports at the middle school and high school levels, focusing on the prevention
18 and treatment of injuries. In conducting the study, the Board should consult with school
19 administrators, representatives of the North Carolina High School Athletic Association, high
20 school athletic directors, middle school coaches, athletic trainers, and doctors with expertise in
21 the area of sports medicine. All State departments and agencies and local governments and
22 their subdivisions shall furnish the Board with any information in their possession or available
23 to them.

24 **SECTION 13.2.** The State Board of Education shall submit a final report of the
25 results of its study and its recommendations to the 2011 General Assembly upon its convening.

26
27 **PART XIV. STATE BOARD OF EDUCATION TO ESTABLISH A BLUE RIBBON**
28 **TASK FORCE TO STUDY THE IMPACTS OF RAISING THE COMPULSORY**
29 **PUBLIC SCHOOL ATTENDANCE AGE (S.B. 1249 – Davis; H.B. 1879 – Parmon,**
30 **Bryant, Hurley, Hall)**

31 **SECTION 14.1.** The State Board of Education shall establish a Blue Ribbon Task
32 Force to study the impacts of raising the compulsory public school attendance age prior to
33 completion of a high school diploma from 16 to 17 or 18. In its study, the Board of Governors
34 shall consider all of the following:

- 35 (1) What impacts, including fiscal impacts, has raising the compulsory school
36 attendance age had in states which have raised the compulsory school
37 attendance age in the last 15 years.
- 38 (2) What conclusions can be drawn as to the impact the compulsory school
39 attendance age has made in the dropout and high school completion rates for
40 states who require compulsory school attendance to ages 16, 17, and 18,
41 respectively.
- 42 (3) What best practices for working with at-risk populations of students who
43 remain in school have been employed in states that have raised the
44 compulsory attendance age in the last 15 years.
- 45 (4) What would be the fiscal impact in raising the compulsory school attendance
46 age from 16 to 17 and 16 to 18, respectively, for each local administrative
47 school unit in North Carolina.

48 **SECTION 14.2.** No later than November 15, 2010, the State Board of Education
49 shall submit a report of its study to the Joint Legislative Commission on Dropout Prevention
50 and High School Graduation and the Joint Legislative Education Oversight Committee,
51 including its findings and recommendations.

1
2 **PART XV. EXECUTIVE COMMITTEE FOR HIGHWAY SAFETY IN THE**
3 **DEPARTMENT OF TRANSPORTATION TO STUDY RECOMMENDATIONS FOR**
4 **ADDITIONAL LEGISLATION TO ADDRESS THE CAUSES OF TEEN DRIVING**
5 **FATALITIES (S.B. 900 – Rouzer)**

6 **SECTION 15.** The Executive Committee for Highway Safety in the Department of
7 Transportation shall report to the General Assembly by April 30, 2011, its recommendations
8 for additional legislation to address the causes of teen driving fatalities.
9

10 **PART XVI. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY THE**
11 **NEEDS OF YOUNG CHILDREN WITH MENTAL HEALTH PROBLEMS AND**
12 **THEIR FAMILIES (S.B. 1321 – Nesbitt; H.B. 1903 – Insko)**

13 **SECTION 16.1.** The North Carolina Institute of Medicine may convene a Task
14 Force to study the needs of young children with mental health problems and their families. The
15 Task Force shall:

- 16 (1) Examine the current mental health needs of young children, defined as
17 children from birth to age five.
- 18 (2) Examine existing public and private systems of mental health care that are
19 currently available to families of young children with mental health
20 problems.
- 21 (3) Identify evidence-based and promising universal, selective, and indicated
22 prevention strategies to promote the emotional well-being of young children.
- 23 (4) Identify strategies for early screening and identification of young children
24 with mental health risk factors or mental health problems. The screening and
25 identification strategies shall address the impact of parents' behavioral health
26 problems on the mental health of their young children.
- 27 (5) Review evidence-based and promising interventions and systems to promote
28 the positive mental health and emotional well-being of young children and
29 their families.
- 30 (6) Identify strategies to ensure that children who are at high risk of developing
31 mental health problems and their families have access to a comprehensive
32 range of treatments and services, coordinated across agencies and service
33 systems that are (i) culturally, linguistically, and developmentally sensitive;
34 (ii) individualized; (iii) family-centered; (iv) home-, school-, and
35 community-based; and (v) evidence-based.
- 36 (7) Examine workforce adequacy and training needs of mental health
37 professionals and other professionals who provide services to young children
38 and their families.
- 39 (8) Examine the adequacy of State and other funding to support a
40 comprehensive array of evidence-based services.
- 41 (9) Recommend strategies to develop, evaluate, and disseminate treatment and
42 service delivery models to meet young children's mental health needs.
- 43 (10) Examine any other issue that the NCIOM deems relevant to the study.

44 **SECTION 16.2.** The NCIOM shall make an interim report to the Joint Legislative
45 Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse
46 Services no later than January 15, 2012, which may include legislative and other
47 recommendations, and shall issue its final report with findings, recommendations, and any
48 proposed legislation to the 2013 General Assembly upon its convening.
49

50 **PART XVII. DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF**
51 **MEDICAL ASSISTANCE, TO STUDY THE FEASIBILITY OF REQUIRING**

1 **PROVIDERS ENROLLED IN COMMUNITY CARE OF NORTH CAROLINA TO**
2 **IMPLEMENT BODY MASS INDEX SCREENING FOR CHILDREN AT RISK OF**
3 **BECOMING OBESE AND WHO ARE RECEIVING MEDICAID OR**
4 **PARTICIPATING IN NORTH CAROLINA HEALTH CHOICE FOR CHILDREN**
5 **PROGRAM (S.B. 1286 – Purcell; H.B. 1904 – England, Hughes, Weiss, Yongue)**

6 **SECTION 17.1.** The Department of Health and Human Services, Division of
7 Medical Assistance, may explore the feasibility of requiring Community Care of North
8 Carolina (CCNC) to implement body mass index (BMI) screening for children at risk of
9 becoming obese and developing diabetes or other chronic diseases, who are receiving Medicaid
10 or participating in the North Carolina Health Choice for Children Program.

11 **SECTION 17.2.** As part of its exploration into the feasibility of requiring BMI
12 screening pursuant to Section 17.1, the Department shall work toward the development of each
13 of the following items:

- 14 (1) Establishing performance goals within each CCNC network that includes
15 each of the following components:
 - 16 a. Care management for children who are at risk of becoming obese and
17 developing diabetes or other chronic diseases.
 - 18 b. Annual BMI screening to identify the percentage of children who
19 have a BMI test and the percentage of children who have a decrease
20 in BMI levels.
- 21 (2) Developing a uniform protocol across the CCNC network to ensure the
22 integrity and confidentiality of information collected through BMI
23 screening.
- 24 (3) Implementing reliable methods of collecting data utilizing fitness assessment
25 and reporting programs for youth that include health-related physical fitness
26 tests to assess aerobic capacity; muscular strength, muscular endurance, and
27 flexibility; and body composition.

28 **SECTION 17.3.** If the study is undertaken, not later than September 1, 2011, the
29 Department shall report its findings and recommendations to the Legislative Task Force on
30 Childhood Obesity, if reestablished for the 2011-2012 Session, to the Public Health
31 Commission, and to the Fiscal Research Division.

32
33 **PART XVIII. TASK FORCE/STUDY OF ALTERNATIVES TO HOSPITALIZATION**
34 **OF FREQUENT USERS OF PSYCHIATRIC HOSPITALS IN NORTH CAROLINA**

35 **SECTION 18.1.** The Department of Health and Human Services shall conduct a
36 study and propose recommendations by January 31, 2011, regarding the cost-effectiveness of
37 supportive housing as an alternative to institutionalization of the MH/DD/SA populations.

38 **SECTION 18.2.** The study shall be conducted by a task force appointed by the
39 Secretary of Health and Human Services.

40 **SECTION 18.3.** The Task Force shall include the following:

- 41 (1) Five representatives from various areas of the Department of Health and
42 Human Services.
- 43 (2) One representative from the Housing Trust Fund.
- 44 (3) Six representatives from Local Management Entities.
- 45 (4) Two representatives from the North Carolina Department of Correction.
- 46 (5) One representative from the Division of Medical Assistance.
- 47 (6) One representative from Community Care of North Carolina.
- 48 (7) Two representatives from private providers of housing services for the
49 mentally ill.
- 50 (8) Two representatives from public housing agencies.

- 1 (9) Two consumer representatives — a direct consumer and a family member,
2 from a MH/DD/SA consumer/advocacy group.

3 **SECTION 18.4.** The Secretary of Health and Human Services shall appoint two
4 cochairs of the Task Force.

5 **SECTION 18.5.** The Task Force will propose a plan focusing on the following
6 goals:

- 7 (1) Develop a cost-effective system of care for the MH/DD/SA population.
8 (2) Decrease the need for hospital admission of target population.
9 (3) Decrease the length of stay in psychiatric hospitals.
10 (4) Decrease incarceration rate of the MH/DD/SA populations.
11 (5) Decrease emergency room use by the MH/DD/SA populations.
12 (6) Improve level of functioning of the MH/DD/SA populations.
13 (7) Explore funding possibilities from Medicaid and other sources.
14 (8) Decrease homelessness among the MH/DD/SA populations.
15 (9) Maintain MH/DD/SA patients in community setting.
16 (10) Decrease impact on law enforcement.
17 (11) Make our communities safer for both consumers and others.
18 (12) Reduce recidivism for the MH/DD/SA population.

19 **SECTION 18.6.** The Task Force shall:

- 20 (1) Identify frequent users of psychiatric beds (State and community) and
21 emergency departments.
22 (2) For the above group, determine:
23 a. Their housing situation.
24 b. Incarceration history.
25 c. Recidivism rates.
26 d. Treatment offered and treatment compliance.
27 e. Other factors as determined by Task Force.
28 (3) Review existing State and national initiatives in this area.
29 (4) Use information from subdivisions (1) and (2) of this section to do the
30 following:
31 a. Study current practices and issues related to placement of
32 MH/DD/SA populations following discharge from psychiatric
33 facilities.
34 b. Develop a business case for the development of a statewide
35 supportive housing initiative to benefit MH/DD/SA populations.
36 c. Calculate the number of supportive housing units needed in the State.
37 d. Calculate the level of capital investment needed for this multiyear
38 initiative.
39 e. Propose different methods that could be used to pay for ongoing
40 operational costs.
41 f. Examine the potential cost-saving attained through this strategy.
42 g. Calculate the level of capital investment needed for this multiyear
43 initiative.
44 (5) Other tasks as identified by the Task Force.
45

46 **PART XIX. DEPARTMENT OF CULTURAL RESOURCES TO STUDY THE**
47 **FEASIBILITY OF DESIGNATING THE ENDOR IRON FURNACE AS A STATE**
48 **HISTORIC SITE (S.B. 1353 – Atwater; H.B. 1927 – Love)**

49 **SECTION 19.** The Department of Cultural Resources shall study the feasibility of
50 designating the Endor Iron Furnace as a State Historic Site. The Department shall submit the
51 results of its study to the 2011 General Assembly upon its convening.

1
2 **PART XX. DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF**
3 **ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FISHERY**
4 **MANAGEMENT PLAN DEVELOPMENT PROCESS (S.B. 1271 – Albertson; H.B. 1711**
5 **– Wainwright, Spear, Underhill)**

6 **SECTION 20.** The Division of Marine Fisheries of the Department of
7 Environment and Natural Resources shall study the Fishery Management Plan development
8 process. The Division shall specifically consider how the process could be made more efficient
9 without impairing public input into the process. The Division shall report its findings and
10 recommendations, including any legislative proposals, to the Joint Legislative Commission on
11 Seafood and Aquaculture no later than October 1, 2010.

12
13 **PART XXI. EXTEND THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING**
14 **AND ORGANIZATION STUDY COMMITTEE (S.B. 1179 – Brunstetter; H.B. 1720 –**
15 **Brubaker, E. Warren, Harrison)**

16 **SECTION 21.** Section 5.11 of S.L. 2009-329 reads as rewritten:

17 **"SECTION 5.11.** Report. – The Committee shall report its findings and recommendations
18 to the ~~2010-2011~~ Regular Session of the ~~2009-2011~~ General Assembly and the Environmental
19 Review Commission on or before ~~May 1, December 31,~~ 2010, at which time the Committee
20 shall terminate."
21

22 **PART XXII. LEGISLATIVE STUDY COMMISSION ON URBAN GROWTH AND**
23 **INFRASTRUCTURE ISSUES REPORT DATE**

24 **SECTION 22.** Section 36.6 of S.L. 2008-181 reads as rewritten:

25 **"SECTION 36.6.** The Commission shall report the results of its study and its
26 recommendations to the 2009 General Assembly upon its convening. The Commission shall
27 submit its final report on or before the date of the convening of the 2011 General Assembly.
28 The Commission shall expire upon the delivering of its final report, or the convening of the
29 2011 General Assembly, whichever occurs first."
30

31 **PART XXIII. STATE INVESTMENT STUDY REPORTING DATE (S.B. 1217 –**
32 **Hartsell; H.B. 1811 – Michaux)**

33 **SECTION 23.** Section 47.4 of S.L. 2009-574 reads as rewritten:

34 **"SECTION 47.4.** The Commission shall make an interim report to the 2010 Regular
35 Session of the 2009 General Assembly prior to its convening, and shall make a final report to
36 the ~~2010~~ 2011 Regular Session of the 2011 General Assembly. The report shall include any
37 proposed legislation."
38

39 **PART XXIV. EXTEND JOINT SELECT COMMITTEE ON PRESERVATION OF**
40 **BIOLOGICAL EVIDENCE (Glazier)**

41 **SECTION 24.** Section 7(d) of S.L. 2009-203 reads as rewritten:

42 **"SECTION 7.(d)** The Committee shall submit a final report on the results of its study,
43 including any proposed legislation, to the General Assembly on or before ~~April 1, 2010~~ the
44 convening of the Regular Session of the 2011 General Assembly. The Committee shall file a
45 copy of its report with the President Pro Tempore's office, the Speaker's office, and the
46 Legislative Library. The Committee shall terminate ~~on April 1, 2010~~ upon the convening of the
47 Regular Session of the 2011 General Assembly, or upon the filing of its final report, whichever
48 occurs first."
49

50 **PART XXV. EXTEND GENERAL STATUTES COMMISSION STUDIES (S.B. 1164 –**
51 **Hartsell; Ross)**

1 **SECTION 25.1.** Section 2 of S.L. 2009-281 reads as rewritten:

2 **"SECTION 2.** The General Statutes Commission shall study and recommend to the
3 ~~2010~~2011 Regular Session of the ~~2009-2011~~ General Assembly ways to ensure that the General
4 Statutes properly and uniformly refer to federal or state military organizations. These may
5 include a single term that will include all organizations that compose the reserve components of
6 the armed forces. The recommendations may include a process to be authorized by the General
7 Assembly whereby changes that do not change the law can be made administratively by the
8 Attorney General."

9 **SECTION 25.2.** Section 1 of S.L. 2009-273 reads as rewritten:

10 **"SECTION 1.** The General Statutes Commission shall study and recommend ~~to the 2010~~
11 ~~Regular Session of the 2009 General Assembly and the 2011 Regular Session of the General~~
12 ~~Assembly~~ ways to make the General Statutes and the North Carolina Constitution gender
13 neutral. These may include recommending legislative changes needed to make the General
14 Statutes and the Constitution gender neutral and a process to be authorized by the General
15 Assembly whereby changes that do not change the law can be made administratively by the
16 Attorney General to make the General Statutes gender neutral."
17

18 **PART XXVI. REESTABLISH LEGISLATIVE TASK FORCE ON CHILDHOOD**
19 **OBESITY (S.B. 1153 – Purcell; H.B. 1827 – Yongue, Brown, Hughes, Insko)**

20 **SECTION 26.** Part XLIX of S.L. 2009-574 reads as rewritten:

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

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

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

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

26 **"SECTION 49.3.** The Speaker of the House of Representatives shall designate one
27 Representative as cochair, and the President Pro Tempore of the Senate shall designate one
28 Senator as cochair. Terms of the initial members begin on appointment and continue until the
29 convening of the 2011 Session of the General Assembly. Subsequent appointments begin
30 during the 2011 Session of the General Assembly and continue until the Task Force terminates.
31 Vacancies on the Task Force shall be filled by the same appointing authority that made the
32 initial appointment. A quorum of the Task Force shall be a majority of its members.

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

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

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

49 **"SECTION 49.6.** Members of the Task Force shall receive per diem, subsistence, and
50 travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Task
51 Force, while in the discharge of its official duties, may exercise all powers provided for under

1 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at anytime
2 upon the joint call of the cochairs. The Task Force may meet in the Legislative Building or the
3 Legislative Office Building.

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

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

13 "**SECTION 49.7.** The Task Force shall submit a ~~final~~ report of the results of its study and
14 its recommendations to the 2010 Regular Session of the 2009 General Assembly. The Task
15 Force may make a report of the results of its study and recommendations to the 2011 General
16 Assembly and shall submit a report to the 2012 Regular Session of the 2011 General Assembly.
17 The Task Force shall terminate on May 1, 2010, or upon the filing of its final report, whichever
18 occurs first, upon the convening of the 2012 Regular Session of the 2011 General Assembly."
19

20 **PART XXVII. JOINT LEGISLATIVE STUDY COMMITTEE ON THE**
21 **CONSOLIDATION OF EARLY CHILDHOOD EDUCATION AND CARE (S.B. 1116 –**
22 **Blue, Purcell, Swindell; H.B. 1781 – Rapp, Glazier, Insko)**

23 **SECTION 27.1.** Committee Established. – There is created the Joint Legislative
24 Study Committee on the Consolidation of Early Childhood Education and Care. The
25 Committee shall consist of 10 members to be appointed as follows:

- 26 (1) Five members of the House of Representatives appointed by the Speaker of
27 the House of Representatives.
- 28 (2) Five members of the Senate appointed by the President Pro Tempore of the
29 Senate.

30 The Speaker of the House of Representatives shall designate one Representative as
31 cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair.
32 Vacancies on the Committee shall be filled by the same appointing authority making the initial
33 appointment.

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

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

45 **SECTION 27.2.** Duties. – The Committee shall continue the work of the Task
46 Force on the Consolidation of Early Childhood Education and Care created under S.L.
47 2009-451 by continuing to work toward the development of an integrated system of early
48 childhood education and care. To that end, the Committee may consult with and receive reports
49 from the appropriate State departments, agencies, and board representatives on issues related to
50 early childhood education and care and consider any other issues the Committee deems
51 relevant.

1 **SECTION 27.3.** Report. – The Commission may make a final report, including any
2 proposed legislation, to the 2011 General Assembly upon its convening. The Commission shall
3 terminate upon filing its final report or upon the convening of the 2011 General Assembly,
4 whichever is earlier.

5
6 **PART XXVIII. EXTEND POVERTY REDUCTION AND ECONOMIC RECOVERY**
7 **LEGISLATIVE STUDY COMMISSION (H.B. 1845 – Pierce, Bryant, Jones, Stewart)**

8 **SECTION 28.** Section 41.7 of S.L. 2008-181 reads as rewritten:

9 "**SECTION 41.7.** The Commission shall submit its final report ~~by the 2010 Regular~~
10 ~~Session of the 2009 General Assembly and may make interim reports it deems necessary. The~~
11 ~~Commission's final report shall include the results of the Commission's review and specific~~
12 ~~legislative recommendations to the 2011 General Assembly.~~ The Commission shall terminate
13 upon filing its final report, or upon the convening of the ~~2010 Regular Session of the 2009-2011~~
14 ~~General Assembly, whichever occurs first."~~

15
16 **PART XXIX. AGRISCIENCE AND BIOTECHNOLOGY REGIONAL SCHOOL**
17 **PLANNING COMMISSION (S.B. 1199 – Swindell)**

18 **SECTION 29.1.** There is established the Agriscience and Biotechnology Regional
19 School Planning Commission. The purpose of the Commission shall be to develop and plan a
20 regional school of agriscience and biotechnology to open in the 2011-2012 school year. The
21 Commission shall be located administratively in the Department of Public Instruction but shall
22 exercise its powers and duties independently of the Department of Public Instruction. The
23 Department of Public Instruction shall provide for the administrative costs of the Commission
24 and shall provide staff to the Commission.

25 **SECTION 29.2.** The Commission shall consist of up to nine members appointed
26 by the chair of the State Board of Education. Appointments shall be made no later than
27 September 1, 2010.

28 **SECTION 29.3.** The Agriscience and Biotechnology Regional School Planning
29 Commission shall develop a plan for a regional school of agriscience and biotechnology to
30 open in the 2011-2012 school year and shall ensure that the model is replicable, sustainable,
31 and scaleable. In the development of its plan, the Commission shall:

- 32 (1) Consider the regional school's governance, funding for operational and
33 capital needs, personnel, admissions and assignment of students,
34 transportation, school food services, and other issues the Commission deems
35 relevant.
- 36 (2) Solicit proposals from interested regions seeking to host the school and
37 identify a location for the regional school.
- 38 (3) Identify potential business partners for the regional school.
- 39 (4) Consult with North Carolina State University and the NC Research Campus
40 and establish connections between those institutions and the regional school.

41 **SECTION 29.4.** The Agriscience and Biotechnology Regional School Planning
42 Commission shall report on its recommended plan to the State Board of Education, the Joint
43 Legislative Joining Our Businesses and Schools (JOBS) Study Commission, and the Joint
44 Legislative Education Oversight Committee by January 1, 2011.

45
46 **PART XXX. GOVERNOR'S LOGISTICS TASK FORCE TO STUDY COMBINING**
47 **GLOBAL TRANSPARK AUTHORITY, PORTS AUTHORITY, AND RAILROAD;**
48 **AND ESTABLISHING SERVICE OF A CLASS I RAIL SERVICE TO THE GLOBAL**
49 **TRANSPARK AND THE PORTS (McComas)**

50 **SECTION 30.1.** The Governor's Logistics Task Force, as established by Executive
51 Order 32, shall study the following issues:

1 (1) Combining the operations and governing authority of the Global TransPark
2 Authority, the North Carolina Ports Authority, and the North Carolina
3 Railroad to create one entity and one governing body to oversee the
4 combined infrastructure of air cargo, rail, and sea transportation.

5 (2) Establishing service of a Class I Rail service by more than one railroad to
6 both the Global TransPark and the State Ports.

7 **SECTION 30.2.** The Task Force shall report the findings of their study to the
8 Governor, the General Assembly, and the Joint Legislative Transportation Oversight
9 Committee on or before the convening of the 2011 Regular Session of the 2011 General
10 Assembly.

11
12 **PART XXXI. WOOD AND CROP BIOMASS STRATEGIC WORKING GROUP (H.B.
13 2009 – Harrison, Bryant, Jones)**

14 **SECTION 31.1.** The Wood and Crop Biomass Strategic Working Group, as
15 described in H.B. 1766, is established.

16
17 **PART XXXII. LEGISLATIVE STUDY COMMISSION ON PUBLIC-PRIVATE
18 PARTNERSHIPS (Owens)**

19 **SECTION 32.1.** There is established the Legislative Study Commission on
20 Public-Private Partnerships.

21 **SECTION 32.2.** The Commission shall be composed of 16 members, as follows:

- 22 (1) Five members of the Senate appointed by the President Pro Tempore of the
23 Senate.
24 (2) Five members of the House of Representatives, appointed by the Speaker of
25 the House of Representatives.
26 (3) Three public members, appointed by the Speaker of the House of
27 Representatives.
28 (4) Three public members, appointed by the President Pro Tempore of the
29 Senate.

30 The Commission shall include, and consult with, the Secretary of Transportation,
31 the North Carolina Turnpike Authority, the State Treasurer, the Local Government
32 Commission, the State Construction Office, the North Carolina Association of County
33 Commissioners, the North Carolina League of Municipalities, and the North Carolina School
34 Boards Association in the course of its deliberations.

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

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

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

50 **SECTION 32.3.** The Commission shall study issues related to Public-Private
51 Partnerships (PPPs), including examination of the appropriate authority for State, regional, and

1 local government units to engage in PPPs for public capital projects through a regulatory
2 framework.

3 **SECTION 32.4.** The Commission may make a final report, including any proposed
4 legislation, to the 2011 General Assembly upon its convening. The Commission shall terminate
5 upon filing its final report or upon the convening of the 2011 General Assembly, whichever is
6 earlier.

7
8 **PART XXXIII. LEGISLATIVE TASK FORCE ON PRESCRIPTION DRUG ABUSE**

9 **SECTION 33.1.** There is established the Legislative Task Force on Prescription
10 Drug Abuse.

11 **SECTION 33.2.** The Task Force shall be composed of 12 members, as follows:

- 12 (1) Four members of the Senate, appointed by the President Pro Tempore of the
13 Senate.
- 14 (2) Four members of the House of Representatives, appointed by the Speaker of
15 the House of Representatives.
- 16 (3) Two public members, appointed by the Speaker of the House of
17 Representatives.
- 18 (4) Two public members, appointed by the President Pro Tempore of the Senate.

19 Public members shall be residents of the State. Vacancies on the Task Force shall be
20 filled by the appointing authority. The President Pro Tempore of the Senate and the Speaker of
21 the House of Representatives shall each designate a cochair, who shall be a member of the
22 General Assembly. A quorum of the Task Force shall be eight members.

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

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

34 **SECTION 33.3.** The Task Force may study whether to expand access to the
35 Controlled Substances Reporting System (CSRS) to physician employees and additional types
36 of law enforcement officers, whether to require a photo ID when picking up prescriptions that
37 are considered controlled substances, whether physician education and relicensure needs to
38 include more training on decreasing substance abuse of prescription drugs, and any other matter
39 the Task Force feels would be helpful in reducing prescription drug abuse.

40 **SECTION 33.4.** The Task Force may make a final report, including any proposed
41 legislation, to the 2011 General Assembly upon its convening. The Task Force shall terminate
42 upon filing its final report or upon the convening of the 2011 General Assembly, whichever is
43 earlier.

44
45 **PART XXXIV. LEGISLATIVE COMMISSION ON DIVERSITY IN THE PUBLIC**
46 **SCHOOLS (Dannelly, Michaux)**

47 **SECTION 34.1.** There is created the Legislative Commission on Diversity in the
48 Public Schools.

49 **SECTION 34.2.** The Commission shall consist of 15 members as follows:

- 50 (1) Five members of the House of Representatives appointed by the Speaker of
51 the House of Representatives.

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

3 (3) Five public members appointed by the Governor.

4 **SECTION 34.3.** The Speaker of the House of Representatives shall designate one
5 Representative as cochair, and the President Pro Tempore of the Senate shall designate one
6 Senator as cochair. Vacancies on the Commission shall be filled by the same appointing
7 authority that made the initial appointment. A quorum of the Commission shall be a majority
8 of its members.

9 **SECTION 34.4.** The Commission shall study the effects of student diversity in
10 public school enrollment. As part of this study, the Commission shall:

11 (1) Consider whether schools in which students of various racial, ethnic, and
12 socioeconomic characteristics are balanced improve the quality of the
13 learning experience and the academic achievement of all students as
14 compared to schools with more homogeneous student enrollments.

15 (2) Examine whether diverse public schools are successful in closing the
16 achievement gap.

17 (3) Explore the level of parental involvement in schools with a diverse student
18 population.

19 (4) Examine best practices for creating and maintaining student diversity in
20 schools and school systems in other states.

21 (5) Consider whether diverse public schools improve student discipline.

22 (6) Consider the fiscal impact and efficiency of State funding streams given the
23 data accumulated in subdivisions (1) through (5) of this section.

24 (7) Study any other issue the Commission considers relevant.

25 **SECTION 34.5.** The Commission, while in the discharge of its official duties, may
26 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
27 The Commission may meet at any time upon the joint call of the cochairs. The Commission
28 may meet in the Legislative Building or the Legislative Office Building.

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

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

38 **SECTION 34.6.** The Commission shall submit a final report of the results of its
39 study and its recommendations to the 2011 General Assembly. The Commission shall
40 terminate on March 1, 2011, or upon the filing of its final report, whichever occurs first.

41
42 **PART XXXV. JOINT SELECT COMMITTEE TO STUDY THE ADOPTION OF**
43 **COMPARATIVE NEGLIGENCE AND ABROGATION OF JOINT AND SEVERAL**
44 **LIABILITY (H.B. 813 – Glazier, Blust, Ross)**

45 **SECTION 35.1.** There is established the Joint Select Committee to Study the
46 Adoption of Comparative Negligence and Abrogation of Joint and Several Liability.

47 **SECTION 35.2.** The Commission shall be composed of 10 members, as follows:

48 (1) Five members of the Senate appointed by the President Pro Tempore of the
49 Senate.

50 (2) Five members of the House of Representatives appointed by the Speaker of
51 the House of Representatives.

1 Vacancies on the Committee shall be filled by the appointing authority. The
2 President Pro Tempore of the Senate and the Speaker of the House of Representatives shall
3 each designate a cochair, who shall be a member of the General Assembly. A quorum of the
4 Committee shall be a majority of its members.

5 The Committee, while in the discharge of its official duties, may exercise all powers
6 provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission
7 may meet at any time upon call of the chairs. The Committee may meet in the Legislative
8 Building or the Legislative Office Building.

9 The Legislative Services Commission, through the Legislative Services Officer,
10 shall assign professional staff to assist the Committee in its work. The House of
11 Representatives' and Senate's Directors of Legislative Assistants shall assign clerical staff to the
12 Committee, and the expenses relating to the clerical employees shall be borne by the
13 Committee. Members of the Committee shall receive subsistence and travel expenses at the
14 rates set forth in G.S. 120-3.1.

15 **SECTION 35.3.** The Committee shall study issues related to the adoption of
16 comparative negligence and the abrogation of joint and several liability, and any other issues
17 related to tort liability.

18 **SECTION 35.4.** The Committee may make a final report, including any proposed
19 legislation, to the 2011 General Assembly upon its convening. The Committee shall terminate
20 upon filing its final report or upon the convening of the 2011 General Assembly, whichever is
21 earlier.

22 **PART XXXVI. RAILROADS STUDY COMMISSION (Nesbitt, Dickson)**

23 **SECTION 36.1.** There is established the Railroads Study Commission.

24 **SECTION 36.2.** The Commission shall be composed of 10 members, as follows:

- 25 (1) Five members of the Senate appointed by the President Pro Tempore of the
26 Senate.
- 27 (2) Five members of the House of Representatives appointed by the Speaker of
28 the House of Representatives.

29 Vacancies on the Commission shall be filled by the appointing authority. The
30 President Pro Tempore of the Senate and the Speaker of the House of Representatives shall
31 each designate a cochair, who shall be a member of the General Assembly. A quorum of the
32 Commission shall be six members.

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

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

44 **SECTION 36.3.** The Commission may study all issues related to railroads in the
45 State, including passenger rail, freight rail, and corridor issues.

46 **SECTION 36.4.** The Commission may make a final report, including any proposed
47 legislation, to the 2011 General Assembly upon its convening. The Commission shall terminate
48 upon filing its final report or upon the convening of the 2011 General Assembly, whichever is
49 earlier.

1 **PART XXXVII. OUT-OF-STATE TRAVEL**

2 **SECTION 37.** For legislative studies authorized by this act, out-of-state travel
3 must be authorized by the President Pro Tempore of the Senate or the Speaker of the House of
4 Representatives, as appropriate.

5
6 **PART XXXVIII. BILL AND RESOLUTION REFERENCES**

7 **SECTION 38.** The listing of the original bill or resolution in this act is for
8 reference purposes only and may not be deemed to have incorporated by reference any of the
9 substantive provisions contained in the original bill or resolution.

10
11 **PART XXXIX. EFFECTIVE DATE AND APPLICABILITY**

12 **SECTION 39.** Except as otherwise specifically provided, this act is effective when
13 it becomes law. If a study is authorized both in this act and in the Current Operations and
14 Capital Improvements Appropriations Act of 2010, the study shall be implemented in
15 accordance with the Current Operations and Capital Improvements Appropriations Act of 2010
16 as ratified.